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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: **THEEL, JULIE**) Examiner: Hylinski, Alyssa
Serial No.: **10/668,049**)
Filed: **09/22/2003**) Art Unit: 3711
For: **DISMEMBERABLE CANINE**) Attorney Docket Number: 83359.0002
APPEASEMENT DEVICE AND)
METHOD)

APPEAL BRIEF

Board of Patent Appeals and Interferences
P.O. Box 1450
Alexandria, VA 22313-1450

This brief is filed with small entity filing fee of \$270 per § 41.20(b)(2).

I. REAL PARTY IN INTEREST

The real party in interest is the inventor Julie Theel who is the sole and exclusive owner of the patent.

II. RELATED APPEALS AND INTERFERENCES

Currently, there are none.

III. STATUS OF CLAIMS ON APPEAL

The applicant appeals final rejection of claims 21-30, 41-47 and 55-62, finally rejected in the final office action of January 6, 2009. Applicant prays for relief to the BPAI to allow Claims 21-30, 41-47 and 55-62.

1 -20. (canceled)

21. (finally rejected) A pet toy device for a house pet, the device comprising:

a pet toy main member having an exterior surface and one or more interface surfaces, wherein the main member exterior surface is non-destructively gripable by a house pet using its mouth and paws, wherein the main member is adapted to teeth of a dog and to withstand biting, chewing, and rending, and wherein the pet toy main member is shaped and sized to prevent swallowing by a house pet; and

one or more pet toy secondary members, each pet toy secondary member having an exterior surface that is non-destructively gripable by a house pet using its mouth and paws; each pet toy secondary member further having an interface surface that corresponds to the main member interface surfaces, wherein the secondary members are adapted to teeth of a dog and to withstand biting, chewing, and rending, and wherein the pet toy secondary members are shaped and sized to prevent swallowing by a house pet;

wherein the interface surfaces of the main member and the interface surfaces of the secondary members are attachable by a human to create an attached toy state, non-destructively detachable by a house pet using its mouth and paws to create a detached toy state, and repeatably reattachable by a human to recreate an attached toy state after being detached by a house pet;

thereby enabling a house pet to tear apart the main and secondary members of the toy by gripping the exterior surfaces of the toy with its paws and mouth, and subsequently enabling a human to easily reassemble the toy by reattaching the interface surfaces of the main member and secondary members.

22. (finally rejected) The device of claim 21, wherein the house pet is a dog.
23. (finally rejected) The device of claim 21, wherein the exterior surfaces of the pet toy main member and the pet toy secondary members are sufficiently durable to non-destructively withstand biting and chewing by a house pet.
24. (finally rejected) The device of claim 21, wherein the interface surfaces of the main member and the interface surfaces of the secondary members are attached securely enough to require a substantial amount of force to detach the secondary members from the main member that a challenge is provided for a house pet.
25. (finally rejected) The device of claim 21, wherein the pet toy is constructed from one or more materials selected from the group of denim, plush, corduroy, and rubber.
26. (finally rejected) The device of claim 21, wherein the pet toy main member and the pet toy secondary members are attached at the interface surfaces using hook and loop tape.
27. (finally rejected) The device of claim 21, wherein the pet toy main member and the pet toy secondary members are attached at the interface surfaces using magnets.
28. (finally rejected) The device of claim 21, wherein the pet toy main member and the pet toy secondary members are attached at the interface surfaces using snaps, whereby the pet toy main member includes a protrusion at each interface surface that snaps into a mating socketed

portion on an interface surface of each secondary member, thereby attaching the pet toy main member to the pet toy secondary members.

29. (finally rejected) The device of claim 21, wherein the pet toy main member and the pet toy secondary members are attached at the interface surfaces using snaps, whereby the pet toy main member includes a socketed portion at each interface surface that snaps onto a mating protrusion on an interface surface of each secondary member, thereby attaching the pet toy main member to the pet toy secondary members.

30. (finally rejected) The device of claim 21, further comprising a cord that connects the pet toy main member and the pet toy secondary members at the interfacing surfaces, wherein the cord is sized in length to allow the interface surfaces on the main member to separate from the interface surfaces on the secondary member while still remaining connected via the cord, and wherein the cord facilitates restoring the pet toy to the attached toy state after the main member and the secondary members have been detached from each other by a house pet.

31. (withdrawn) A method of producing a pet toy for a house pet, the method comprising:

forming a pet toy main member having an exterior surface and one or more interface surfaces, wherein the main member exterior surface is gripable by a house pet using its mouth and paws, and wherein the pet toy main member is shaped and sized to prevent swallowing by a house pet; and

forming one or more pet toy secondary members, each pet toy secondary member having an exterior surface that is gripable by a house pet using its mouth and paws; each pet toy secondary member further having an interface surface that corresponds to the main member interface surfaces, and wherein the pet toy secondary members are shaped and sized to prevent swallowing by a house pet; wherein the interface surfaces of the main member and the interface surfaces of the secondary members are attachable by a human to create an attached toy state, non-destructively detachable by a house pet using its mouth and paws to create a detached toy state, and repeatably reattachable by a human to recreate an attached toy state after being detached by a house pet;

thereby enabling a house pet to tear apart the main and secondary members of the toy by gripping the exterior surfaces of the toy with its paws and mouth, and subsequently allowing a human to easily reassemble the toy by reattaching the interface surfaces of the main member and secondary members.

32. (withdrawn) The method of claim 31, wherein the house pet is a dog.
33. (withdrawn) The method of claim 31, wherein the exterior surfaces of the pet toy main member and the pet toy secondary members are sufficiently durable to non-destructively withstand biting and chewing by a house pet.
34. (withdrawn) The method of claim 31, wherein the interface surfaces of the main member and the interface surfaces of the secondary members are attached securely enough to require a substantial amount of force to detach the secondary members from the main member that a challenge is provided for a house pet.
35. (withdrawn) The method of claim 31, wherein the pet toy is constructed from one or more materials selected from the group of denim, plush, corduroy, and rubber.
36. (withdrawn) The method of claim 31, wherein the pet toy main member and the pet toy secondary members are attached at the interface surfaces using hook and loop tape.
37. (withdrawn) The method of claim 31, wherein the pet toy main member and the pet toy secondary members are attached at the interface surfaces using magnets.
38. (withdrawn) The method of claim 31, wherein the pet toy main member and the pet toy secondary members are attached at the interface surfaces using snaps, whereby the pet toy main member includes a protrusion at each interface surface that snaps into a mating socketed portion on an interface surface of each secondary member, thereby attaching the pet toy main member to the pet toy secondary members.
39. (withdrawn) The method of claim 31, wherein the pet toy main member and the pet toy secondary members are attached at the interface surfaces using snaps, whereby the pet toy main member includes a socketed portion at each interface surface that snaps onto a mating protrusion on an interface surface of each secondary member, thereby attaching the pet toy main member to the pet toy secondary members.
40. (withdrawn) The method of claim 31, further comprising a cord that connects the pet toy main member and the pet toy secondary members at the interfacing surfaces, wherein the cord is sized in length to allow the interface surfaces on the main member to separate from the interface surfaces on the secondary member while still remaining connected via the cord, and wherein the cord facilitates restoring the pet toy to the attached toy state after the main member and the secondary members have been detached from each other by a house pet.
41. (finally rejected) A pet toy device for a house pet, the device comprising:

a pet toy main member having an exterior surface and one or more interface surfaces, wherein the main member exterior surface is non-destructively gripable by a house pet using its mouth and paws, wherein each of the main member interface surfaces includes a first portion of a snap connector, wherein the main member is adapted to teeth of a dog and to withstand biting, chewing, and rending, and wherein the pet toy main member is shaped and sized to prevent swallowing by a house pet; and

one or more pet toy secondary members, each pet toy secondary member having an exterior surface that is non-destructively gripable by a house pet using its mouth and paws; each pet toy secondary member further having an interface surface that includes a second portion of a snap connector that mateably corresponds to the first portion of the snap connector on each main member interface surface, wherein the secondary members are adapted to teeth of a dog and to withstand biting, chewing, and rending, and wherein the pet toy secondary members are shaped and sized to prevent swallowing by a house pet;

wherein the interface surfaces of the main member and the interface surfaces of the secondary members are attachable by a human to create an attached toy state via the snap connectors, non-destructively detachable by a house pet using its mouth and paws to create a detached toy state by disconnecting the snap connectors, and repeatably reattachable by a human to recreate an attached toy state via the snap connectors after being detached by a house pet; thereby enabling a house pet to tear apart the main and secondary members of the toy by gripping the exterior surfaces of the toy with its paws and mouth, and subsequently enabling a human to easily reassemble the toy by reattaching the interface surfaces of the main member and secondary members.

42. (finally rejected) The device of claim 41, wherein the house pet is a dog.

43. (finally rejected) The device of claim 41, wherein the exterior surfaces of the pet toy main member and the pet toy secondary members are sufficiently durable to non-destructively withstand biting and chewing by a house pet.

44. (finally rejected) The device of claim 41, wherein the interface surfaces of the main member and the interface surfaces of the secondary members are attached securely enough via the snap connectors to require a substantial amount of force to detach the secondary members from the main member that a challenge is provided for a house pet.

45. (finally rejected) The device of claim 41, wherein the pet toy is constructed, at least in part, from rubber material.

46. (finally rejected) The device of claim 41, wherein the first portion of a snap connector includes a protrusion, and the second portion of a snap connector includes a mating socketed portion, and wherein the first portion of the snap connector is shaped and sized to snap into the second portion of the snap connector, thereby attaching the pet toy main member to the pet toy secondary members.

47. (finally rejected) The device of claim 41, wherein the first portion of a snap connector includes a socketed portion, and the second portion of a snap connector includes a mating protrusion, and wherein the first portion of the snap connector is shaped and sized to snap onto the second portion of the snap connector, thereby attaching the pet toy main member to the pet toy secondary members.

48. (withdrawn) A method of producing a pet toy for a house pet, the method comprising:
forming a pet toy main member having an exterior surface and one or more interface surfaces, wherein the main member exterior surface is non-destructively gripable by a house pet using its mouth and paws, wherein each of the main member interface surfaces includes a first portion of a snap connector, and wherein the pet toy main member is shaped and sized to prevent swallowing by a house pet; and

forming one or more pet toy secondary members, each pet toy secondary member having an exterior surface that is non-destructively gripable by a house pet using its mouth and paws; each pet toy secondary member further having an interface surface that includes a second portion of a snap connector that mateably corresponds to the first portion of the snap connector on each main member interface surface, and wherein the pet toy secondary members are shaped and sized to prevent swallowing by a house pet;

wherein the interface surfaces of the main member and the interface surfaces of the secondary members are attachable by a human to create an attached toy state via the snap connectors, non-destructively detachable by a house pet using its mouth and paws to create a detached toy state by disconnecting the snap connectors, and repeatably reattachable by a human to recreate an attached toy state via the snap connectors after being detached by a house pet;

thereby enabling a house pet to tear apart the main and secondary members of the toy by gripping the exterior surfaces of the toy with its paws and mouth, and subsequently enabling a human to easily reassemble the toy by reattaching the interface surfaces of the main member and secondary members.

49. (withdrawn) The method of claim 48, wherein the house pet is a dog.

50. (withdrawn) The method of claim 48, wherein the exterior surfaces of the pet toy main member and the pet toy secondary members are sufficiently durable to non-destructively withstand biting and chewing by a house pet.

51. (withdrawn) The method of claim 48, wherein the interface surfaces of the main member and the interface surfaces of the secondary members are attached securely enough via the snap connectors to require a substantial amount of force to detach the secondary members from the main member that a challenge is provided for a house pet.

52. (withdrawn) The method of claim 48, wherein the pet toy is constructed, at least in part, from rubber material.

53. (withdrawn) The method of claim 48, wherein the first portion of a snap connector includes a protrusion, and the second portion of a snap connector includes a mating socketed portion, and wherein the first portion of the snap connector is shaped and sized to snap into the second portion of the snap connector, thereby attaching the pet toy main member to the pet toy secondary members.

54. (withdrawn) The method of claim 48, wherein the first portion of a snap connector includes a socketed portion, and the second portion of a snap connector includes a mating protrusion, and wherein the first portion of the snap connector is shaped and sized to snap onto the second portion of the snap connector, thereby attaching the pet toy main member to the pet toy secondary members.

55. (finally rejected) The pet toy device for a house pet of claim 21, wherein the house pet is a large dog.

56. (finally rejected) The pet toy device for a house pet of claim 55, wherein the pet toy device is constructed of a plastic material.

57. (finally rejected) The pet toy device for a house pet of claim 56, wherein the plastic material is a vinyl material.

58. (finally rejected) The pet toy device for a house pet of claim 56, wherein the plastic material is a polyethylene material.
59. (finally rejected) The pet toy device for a house pet of claim 41, wherein the house pet is a large dog.
60. (finally rejected) The pet toy device for a house pet of claim 59, wherein the pet toy device is constructed of a plastic material.
61. (finally rejected) The pet toy device for a house pet of claim 60, wherein the plastic material is a vinyl material.
62. (finally rejected) The pet toy device for a house pet of claim 60, wherein the plastic material is a polyethylene material.

IV. STATUS OF AMENDMENTS

The amendment in the response to the Non Final Office Action of March 31, 2008 was entered. There was no denial of the entry of the amendment. The applicant mailed the amendment on September 30, 2008. The amendment made before final is listed as follows verbatim for the purpose of reference.

1 -20. (canceled)

21. (Currently amended) A pet toy device for a house pet, the device comprising:

a pet toy main member having an exterior surface and one or more interface surfaces, wherein the main member exterior surface is non-destructively gripable by a house pet using its mouth and paws, wherein the main member is adapted to teeth of a dog and to withstand biting, chewing, and rending, and wherein the pet toy main member is shaped and sized to prevent swallowing by a house pet; and

one or more pet toy secondary members, each pet toy secondary member having an exterior surface that is non-destructively gripable by a house pet using its mouth and paws; each pet toy secondary member further having an interface surface that corresponds to the main member interface surfaces, wherein the secondary members are adapted to teeth of a dog and to withstand biting, chewing, and rending, and wherein the pet toy secondary members are shaped and sized to prevent swallowing by a house pet;

wherein the interface surfaces of the main member and the interface surfaces of the secondary members are attachable by a human to create an attached toy state, non-destructively

detachable by a house pet using its mouth and paws to create a detached toy state, and repeatably reattachable by a human to recreate an attached toy state after being detached by a house pet;

thereby enabling a house pet to tear apart the main and secondary members of the toy by gripping the exterior surfaces of the toy with its paws and mouth, and subsequently enabling a human to easily reassemble the toy by reattaching the interface surfaces of the main member and secondary members.

22. (original) The device of claim 21, wherein the house pet is a dog.

23. (original) The device of claim 21, wherein the exterior surfaces of the pet toy main member and the pet toy secondary members are sufficiently durable to non-destructively withstand biting and chewing by a house pet.

24. (original) The device of claim 21, wherein the interface surfaces of the main member and the interface surfaces of the secondary members are attached securely enough to require a substantial amount of force to detach the secondary members from the main member that a challenge is provided for a house pet.

25. (original) The device of claim 21, wherein the pet toy is constructed from one or more materials selected from the group of denim, plush, corduroy, and rubber.

26. (original) The device of claim 21, wherein the pet toy main member and the pet toy secondary members are attached at the interface surfaces using hook and loop tape.

27. (original) The device of claim 21, wherein the pet toy main member and the pet toy secondary members are attached at the interface surfaces using magnets.

28. (original) The device of claim 21, wherein the pet toy main member and the pet toy secondary members are attached at the interface surfaces using snaps, whereby the pet toy main member includes a protrusion at each interface surface that snaps into a mating socketed portion on an interface surface of each secondary member, thereby attaching the pet toy main member to the pet toy secondary members.

29. (original) The device of claim 21, wherein the pet toy main member and the pet toy secondary members are attached at the interface surfaces using snaps, whereby the pet toy main member includes a socketed portion at each interface surface that snaps onto a mating protrusion on an interface surface of each secondary member, thereby attaching the pet toy main member to the pet toy secondary members.

30. (previously presented) The device of claim 21, further comprising a cord that connects the pet toy main member and the pet toy secondary members at the interfacing surfaces, wherein the cord is sized in length to allow the interface surfaces on the main member to separate from the interface surfaces on the secondary member while still remaining connected via the cord, and wherein the cord facilitates restoring the pet toy to the attached toy state after the main member and the secondary members have been detached from each other by a house pet.

31-40. (withdrawn)

41. (Currently amended) A pet toy device for a house pet, the device comprising:

a pet toy main member having an exterior surface and one or more interface surfaces, wherein the main member exterior surface is non-destructively gripable by a house pet using its mouth and paws, wherein each of the main member interface surfaces includes a first portion of a snap connector, wherein the main member is adapted to teeth of a dog and to withstand biting, chewing, and rending, and wherein the pet toy main member is shaped and sized to prevent swallowing by a house pet; and

one or more pet toy secondary members, each pet toy secondary member having an exterior surface that is non-destructively gripable by a house pet using its mouth and paws; each pet toy secondary member further having an interface surface that includes a second portion of a snap connector that mateably corresponds to the first portion of the snap connector on each main member interface surface, wherein the secondary members are adapted to teeth of a dog and to withstand biting, chewing, and rending, and wherein the pet toy secondary members are shaped and sized to prevent swallowing by a house pet;

wherein the interface surfaces of the main member and the interface surfaces of the secondary members are attachable by a human to create an attached toy state via the snap connectors, non-destructively detachable by a house pet using its mouth and paws to create a detached toy state by disconnecting the snap connectors, and repeatably reattachable by a human to recreate an attached toy state via the snap connectors after being detached by a house pet; thereby enabling a house pet to tear apart the main and secondary members of the toy by gripping the exterior surfaces of the toy with its paws and mouth, and subsequently enabling a human to easily reassemble the toy by reattaching the interface surfaces of the main member and secondary members.

42. (original) The device of claim 41, wherein the house pet is a dog.

43. (original) The device of claim 41, wherein the exterior surfaces of the pet toy main member and the pet toy secondary members are sufficiently durable to non-destructively withstand biting and chewing by a house pet.
44. (original) The device of claim 41, wherein the interface surfaces of the main member and the interface surfaces of the secondary members are attached securely enough via the snap connectors to require a substantial amount of force to detach the secondary members from the main member that a challenge is provided for a house pet.
45. (original) The device of claim 41, wherein the pet toy is constructed, at least in part, from rubber material.
46. (original) The device of claim 41, wherein the first portion of a snap connector includes a protrusion, and the second portion of a snap connector includes a mating socketed portion, and wherein the first portion of the snap connector is shaped and sized to snap into the second portion of the snap connector, thereby attaching the pet toy main member to the pet toy secondary members.
47. (original) The device of claim 41, wherein the first portion of a snap connector includes a socketed portion, and the second portion of a snap connector includes a mating protrusion, and wherein the first portion of the snap connector is shaped and sized to snap onto the second portion of the snap connector, thereby attaching the pet toy main member to the pet toy secondary members.
- 48-54. (withdrawn)
55. (previously presented) The pet toy device for a house pet of claim 21, wherein the house pet is a large dog.
56. (previously presented) The pet toy device for a house pet of claim 55, wherein the pet toy device is constructed of a plastic material.
57. (previously presented) The pet toy device for a house pet of claim 56, wherein the plastic material is a vinyl material.
58. (previously presented) The pet toy device for a house pet of claim 56, wherein the plastic material is a polyethylene material.
59. (previously presented) The pet toy device for a house pet of claim 41, wherein the house pet is a large dog.

60. (previously presented) The pet toy device for a house pet of claim 59, wherein the pet toy device is constructed of a plastic material.

61. (previously presented) The pet toy device for a house pet of claim 60, wherein the plastic material is a vinyl material.

62. (previously presented) The pet toy device for a house pet of claim 60, wherein the plastic material is a polyethylene material.

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

The applicant appeals all claim rejections 35 USC § 103 of claims 21-30, 41-47 and 55-62.

- Applicant appeals examiner's rejection that Claims 21-30, 41-47 and 55-62 are rejected under 35 U.S.C. 103 over Shamitoff.
- Applicant appeals examiner's rejection that Claims 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shamitoff and Russel.
- Applicant appeals examiner's rejection that Claims 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shamitoff and Alonso 3,375,604.
- Applicant appeals examiner's rejection that Claims 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shamitoff and Essebaggers 5,108,100.

VII. ARGUMENT

A. Applicant appeals examiner's rejection that Claims 21-30, 41-47 and 55-62 are rejected under 35 U.S.C. 103 over Shamitoff.

As previously stated in the remarks of September 30, 2008, Shamitoff does not disclose a dog toy. The present invention is a dog toy. The Shamitoff reference would be totally changed in its principle of operation if it were to become a dog toy. According to the manual of patent examining procedure 2143.01 states that the proposed modification cannot change the principle of operation of a reference. The teachings and suggestions of the Shamitoff reference cannot be modified using another prior art reference to change the Shamitoff reference to disclose the claimed invention. Shamitoff further fails to teach in each and every element of the claims for the reasons stated above. The claim amendments are not vague. The main member and secondary members being adapted to teeth of a dog discloses a ruggedized dog toy having parts that cannot be swallowed, rather than the device of the Shamitoff reference.

The Shamitoff reference teaches a plurality of small detachable portions of the head such as eyes, ears, earrings, nose, mouth, mustache, beard and hair. (Shamitoff col. 5, line 5-8) It is common knowledge that items such as these small detachable portions are extremely small and easy to swallow by a common pet dog such as a Labrador Retriever. Thus, the Shamitoff reference teaches away from a pet toy.

The Shamitoff reference in combination with the other references does not teach a pet toy of the present invention with primary and secondary members that are nondestructively disassembled and re-combinable.

The supplemental declaration of Julie Theel provides secondary Graham factor evidence as to nonobviousness (Exhibit A). The Rule 1.132 affidavit of Julie Theel of May 20, 2002 in United States application 10/154,127, now US Patent 6,623,328 should also be considered for secondary factors (Exhibit B).

B. Applicant appeals examiner's rejection that Claims 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shamitoff and Russell.

For the sake of brevity, but rejections of the independent claims were discussed in detail on the understanding that the dependent claims are also patently distinct over the prior art, as they did then directly from their restrictive independent claims. Nevertheless, but dependent claims include additional features that, in combination with those of the independent claims, provide further separate and independent basis for patentability.

Shamitoff fails to teach or suggest each and every element of claim 26 for the reasons stated above. While the Russell reference may disclose the additional limitation of claim 26, the Russell reference clearly does not supply the deficiencies of claim 21 set forth above. Accordingly, the applicant respectfully submits that claim 26 is patentable because claim 21 is patentable.

C. Applicant appeals examiner's rejection that Claims 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shamitoff and Alonso.

For the sake of brevity, but rejections of the independent claims were discussed in detail on the understanding that the dependent claims are also patently distinct over the prior art, as they did then directly from their restrictive independent claims. Nevertheless, but dependent

claims include additional features that, in combination with those of the independent claims, provide further separate and independent basis for patentability.

Shamitoff fails to teach or suggest each and every element of claim 27 for the reasons stated above. While the Alonso reference may disclose the additional limitation of claim 26, the Alonso reference clearly does not supply the deficiencies of claim 21 set forth above. Accordingly, the applicant respectfully submits that claim 27 is patentable because claim 21 is patentable.

D. Applicant appeals examiner's rejection that Claims 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shamitoff and Essebaggers 5,108,100.

For the sake of brevity, but rejections of the independent claims were discussed in detail on the understanding that the dependent claims are also patently distinct over the prior art, as they did then directly from their restrictive independent claims. Nevertheless, but dependent claims include additional features that, in combination with those of the independent claims, provide further separate and independent basis for patentability.

Shamitoff fails to teach or suggest each and every element of claim 30 for the reasons stated above. While the Essebaggers reference may disclose the additional limitation of claim 30, the Essebaggers reference clearly does not supply the deficiencies of claim 21 set forth above. Accordingly, the applicant respectfully submits that claim 30 is patentable because claim 21 is patentable.

Respectfully submitted for appellant,

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VIII. CLAIMS APPENDIX

21. A pet toy device for a house pet, the device comprising:

a pet toy main member having an exterior surface and one or more interface surfaces, wherein the main member exterior surface is non-destructively gripable by a house pet using its mouth and paws, wherein the main member is adapted to teeth of a dog and to withstand biting, chewing, and rending, and wherein the pet toy main member is shaped and sized to prevent swallowing by a house pet; and

one or more pet toy secondary members, each pet toy secondary member having an exterior surface that is non-destructively gripable by a house pet using its mouth and paws; each pet toy secondary member further having an interface surface that corresponds to the main member interface surfaces, wherein the secondary members are adapted to teeth of a dog and to withstand biting, chewing, and rending, and wherein the pet toy secondary members are shaped and sized to prevent swallowing by a house pet;

wherein the interface surfaces of the main member and the interface surfaces of the secondary members are attachable by a human to create an attached toy state, non-destructively detachable by a house pet using its mouth and paws to create a detached toy state, and repeatably reattachable by a human to recreate an attached toy state after being detached by a house pet;

thereby enabling a house pet to tear apart the main and secondary members of the toy by gripping the exterior surfaces of the toy with its paws and mouth, and subsequently enabling a human to easily reassemble the toy by reattaching the interface surfaces of the main member and secondary members.

22. The device of claim 21, wherein the house pet is a dog.

23. The device of claim 21, wherein the exterior surfaces of the pet toy main member and the pet toy secondary members are sufficiently durable to non-destructively withstand biting and chewing by a house pet.

24. The device of claim 21, wherein the interface surfaces of the main member and the interface surfaces of the secondary members are attached securely enough to require a substantial amount of force to detach the secondary members from the main member that a challenge is provided for a house pet.

25. The device of claim 21, wherein the pet toy is constructed from one or more materials selected from the group of denim, plush, corduroy, and rubber.
26. The device of claim 21, wherein the pet toy main member and the pet toy secondary members are attached at the interface surfaces using hook and loop tape.
27. The device of claim 21, wherein the pet toy main member and the pet toy secondary members are attached at the interface surfaces using magnets.
28. The device of claim 21, wherein the pet toy main member and the pet toy secondary members are attached at the interface surfaces using snaps, whereby the pet toy main member includes a protrusion at each interface surface that snaps into a mating socketed portion on an interface surface of each secondary member, thereby attaching the pet toy main member to the pet toy secondary members.
29. The device of claim 21, wherein the pet toy main member and the pet toy secondary members are attached at the interface surfaces using snaps, whereby the pet toy main member includes a socketed portion at each interface surface that snaps onto a mating protrusion on an interface surface of each secondary member, thereby attaching the pet toy main member to the pet toy secondary members.
30. The device of claim 21, further comprising a cord that connects the pet toy main member and the pet toy secondary members at the interfacing surfaces, wherein the cord is sized in length to allow the interface surfaces on the main member to separate from the interface surfaces on the secondary member while still remaining connected via the cord, and wherein the cord facilitates restoring the pet toy to the attached toy state after the main member and the secondary members have been detached from each other by a house pet.
41. A pet toy device for a house pet, the device comprising:
- a pet toy main member having an exterior surface and one or more interface surfaces, wherein the main member exterior surface is non-destructively gripable by a house pet using its mouth and paws, wherein each of the main member interface surfaces includes a first portion of a snap connector, wherein the main member is adapted to teeth of a dog and to withstand biting, chewing, and rending, and wherein the pet toy main member is shaped and sized to prevent swallowing by a house pet; and
 - one or more pet toy secondary members, each pet toy secondary member having an exterior surface that is non-destructively gripable by a house pet using its mouth and paws; each

pet toy secondary member further having an interface surface that includes a second portion of a snap connector that mateably corresponds to the first portion of the snap connector on each main member interface surface, wherein the secondary members are adapted to teeth of a dog and to withstand biting, chewing, and rending, and wherein the pet toy secondary members are shaped and sized to prevent swallowing by a house pet;

wherein the interface surfaces of the main member and the interface surfaces of the secondary members are attachable by a human to create an attached toy state via the snap connectors, non-destructively detachable by a house pet using its mouth and paws to create a detached toy state by disconnecting the snap connectors, and repeatably reattachable by a human to recreate an attached toy state via the snap connectors after being detached by a house pet; thereby enabling a house pet to tear apart the main and secondary members of the toy by gripping the exterior surfaces of the toy with its paws and mouth, and subsequently enabling a human to easily reassemble the toy by reattaching the interface surfaces of the main member and secondary members.

42. The device of claim 41, wherein the house pet is a dog.

43. The device of claim 41, wherein the exterior surfaces of the pet toy main member and the pet toy secondary members are sufficiently durable to non-destructively withstand biting and chewing by a house pet.

44. The device of claim 41, wherein the interface surfaces of the main member and the interface surfaces of the secondary members are attached securely enough via the snap connectors to require a substantial amount of force to detach the secondary members from the main member that a challenge is provided for a house pet.

45. The device of claim 41, wherein the pet toy is constructed, at least in part, from rubber material.

46. The device of claim 41, wherein the first portion of a snap connector includes a protrusion, and the second portion of a snap connector includes a mating socketed portion, and wherein the first portion of the snap connector is shaped and sized to snap into the second portion of the snap connector, thereby attaching the pet toy main member to the pet toy secondary members.

47. The device of claim 41, wherein the first portion of a snap connector includes a socketed portion, and the second portion of a snap connector includes a mating protrusion, and wherein

the first portion of the snap connector is shaped and sized to snap onto the second portion of the snap connector, thereby attaching the pet toy main member to the pet toy secondary members.

55. The pet toy device for a house pet of claim 21, wherein the house pet is a large dog.

56. The pet toy device for a house pet of claim 55, wherein the pet toy device is constructed of a plastic material.

57. The pet toy device for a house pet of claim 56, wherein the plastic material is a vinyl material.

58. The pet toy device for a house pet of claim 56, wherein the plastic material is a polyethylene material.

59. The pet toy device for a house pet of claim 41, wherein the house pet is a large dog.

60. The pet toy device for a house pet of claim 59, wherein the pet toy device is constructed of a plastic material.

61. The pet toy device for a house pet of claim 60, wherein the plastic material is a vinyl material.

62. The pet toy device for a house pet of claim 60, wherein the plastic material is a polyethylene material.

LX. EVIDENCE APPENDIX

The evidence appendix consists of Exhibits A and B:

Exhibit A. The supplemental declaration of Julie Theel of August 28, 2009 which has the following subexhibits:

- Exhibit 1 The Purina Encyclopedia of Dog Care by Amy D. Shojai
- Exhibit 2 Vet on Call edited by Matthew Hoffman
- Exhibit 3 Fax from Aspen Pet re License Agreement
- Exhibit 4 Email from G. Hirschberg re marketing Julie Theel's toy
- Exhibit 5 Email from J. Rudalevige (Petco) re interest in product line
- Exhibit 6 Customer feedback
- Exhibit 7 Marketing Survey results (14)
- Exhibit 8 Rip Roarin' Fun-nies by Pet Generation flyer

Exhibit B. The Rule 1.132 affidavit of Julie Theel of May 20, 2002 in United States application 10/154,127, now US Patent 6,623,328.

X. RELATED PROCEEDINGS APPENDIX

There are no exhibits in the related proceedings appendix.

XI. JURISDICTIONAL STATEMENT

The Board has jurisdiction under 35 U.S.C. 134(a). On January 6, 2009 the Examiner mailed a final rejection setting a three-month shortened statutory period for response. The time for responding to the final rejection expired on April 6, 2009. Rule 134. A notice of appeal and a request for a three-month extension of time under Rule 136(a) was filed on July 3, 2009.


The time for filing an appeal brief is two months after the filing of a notice of appeal. Bd.R. 41.37(c). The time for filing an appeal brief expires September 3, 2009. The appeal brief has the filing date of August 28, 2009.

Respectfully submitted for appellant,

Dated: 8/28/2009

Tel: (714) 825-0555

Fax: (714) 825-0558

By: 

CLEMENT CHENG, Bar #45463

17220 Newhope Street, Suite 127

Fountain Valley, CA 92708

Exhibit A

IN THE UNITED STATES PATENT OFFICE

| | |
|-------------------------------|---|
| APPLICATION OF |) |
| |) |
| THEEL, Julie |) |
| |) |
| SERIAL NUMBER: 10/668,049 |) |
| |) |
| FILED: 09/22/2003 |) |
| |) |
| TITLE: DISMEMBERABLE CANINE |) |
| APPEASEMENT DEVICE AND METHOD |) |

SUPPLEMENTAL DECLARATION

| | | |
|------------------|---|----|
| STATE OF Calif. |) | |
| |) | SS |
| COUNTY OF Orange |) | |

My name is Julie Theel, I am making this declaration and affidavit. I being duly sworn, do hereby depose and say as follows:

Julie Theel, who has owned many house dogs over the past 30 years, has invented a "rip apart" dog toy to prevent dogs from destroying toys within days of first receiving them. As the owner of three beloved dogs ranging from 15 pounds to 95 pounds, Julie has spent countless dollars in weekly purchases to replace the toys her dogs destroy. All three of her dogs derive great enjoyment from playing with plush toys – the only problem is that after several days of play, or in some cases only hours, the toys are often ripped to shreds, reduced to mere carcasses, with her delighted dogs sitting in a messy sea of stuffing.

After many years of suffering hours of "stuffing clean-up" and commiserating with fellow dog owners over the problem of destroyed toys, Julie came up with the idea for a toy that dogs could truly "rip apart." Julie discovered that Velcro® attachments were the answer, as they allow dogs to feel as if they are ripping something apart without actually ruining the toy. After creating prototypes and finding a manufacturer, she took her "rip apart" dog toy to market.

The response has been overwhelming. Never before has such a toy been created specifically for dogs, as evidenced by an extensive patent search, as well as by the testimony of many long-time industry players and storeowners in the attached Market Survey. Upon introduction in Anaheim, Calif. at the "Superzoo Dog Industry Show" in July 2002, followed by the biggest show, "H.H. Backer Dog Industry Show" in Chicago in October 2002, Julie was immediately approached for licensing by the two biggest dog toy manufacturers. These manufacturers both expressed the desire to have the rights to introduce these toys as their latest and greatest new dog toy.

Additional testimony to the favorable response to the idea for a dismemberable dog toy is that in 2003, Petco, one of the largest chains of pet supply stores, approached Julie with the desire to merchandise the toys in their boutique concept stores, where they claimed they were only placing "new and unique items."

The customer response to Julie's "rip apart" dog toy has been remarkable as well. Julie has received numerous emails from grateful customers thanking her for creating a toy that can withstand the chewing and ripping that occurs during dog play:

"We have purchased your rip apart toys for our Akita, and have found that the ripping noise of the Velcro has kept her from destroying it! We purchased it thinking that it would not last long. We were surprised when it lasted, and became a game for our Akita to rip the pieces apart, and then wait for us to put it back together. We have yet to experience any of the pieces being torn apart at the seams!" Sandy Arbogast, Akita Rescue of Western New York

"Hi Julie, I received your wonderful toys today. I can't tell you how much we all love them."- Martnel Bonaquisti, owner of Dogma Pet Boutique, Irvine, CA

"I was given one of your Rippys toys as a gift for my Cocker Spaniel, she absolutely loves it and I would like to find out how to purchase more of your innovative products."

-Thank you, J Murray, Mesa AZ

"We love the new tiger and monkey – sold a monkey before I even had them out of the box! Your product is great!" – Amber at Healthy Pet

"Mark's dog (Railey) *loves* your toys! It's his new favorite. Mark calls it 'Railey's 'headless' monkey.'" – Jill at Railey's Leash & Treat

"I LOVE THESE TOYS!!! They are awesome for puppies. We have malamute puppies and they are wonderful for inspiring confidence and finding out who in the litter has the prey drive." Cindy O'Malley, a longtime breeder of Alaskan Malamutes

"Your toys are truly unique – haven't come across any like them in my ongoing extensive search." – Carmen Laurin, owner of Pet Perspectives, a business that writes and produces illustrated memorials and stories for clients about their pets

It is because of this overwhelming response, along with the licensing requests which depend on the acceptance of a patent, and the fact that she truly believes that there was a long-felt need for a "rip apart" dog toy made specifically for dogs that solves the problem of destroyed toys and other items (born out of a chewing, ripping need common to all dogs), that Julie hopes to be granted protection of her idea.

1. Dogs have a chewing need that can turn destructive if not given a proper outlet.
 - "Canine chewing is normal, natural behavior for dogs and cannot –should not—be eliminated. It is up to owners to provide their pets with appropriate and safe chewing outlets to satisfy these doggy cravings" (–Amy D. Shojan, The Purina Encyclopedia of Dog Care, pg.109)
 - "...destructive behavior has no age limits...they are not being spiteful or trying to punish you ...they're just finding the most convenient outlet for their emotions." (-Vet on Call, pg.142)
 - "One reason dogs chew when they're upset is because that's their way of relieving tension, and also of passing the time. One of the best ways to stop a destructive dog who enjoys chewing is to give him acceptable alternatives" (-Steven Appelbaum, animal behaviorist, Vet on Call, pg. 143)
 - "Dogs don't show emotion the way people do...they experience the same feelings, such as anxiety, frustration, and boredom. They can't tell you when they're upset, but they can show you – sometimes with destructive behavior." (-Vet on Call, pg. 142)

- “While dogs often use destructive behavior as a way of defusing stress, they also do it simply because they have more energy than they know what to do with” (-Vet on Call, pg.142)
 - “...unlike people, dogs don’t outgrow the habit of mouthing and gnawing.” (-Amy D. Shojan, The Purina Encyclopedia of Dog Care, pg. 108)
2. There is a long-felt need for proper outlets for this instinctual chewing need.
 - Note: See Market Survey: The market survey attests to a long-felt need for a proper “ripping outlet”
 - Julie’s own experiences as a dog owner, and the many, irreparably ripped apart dog toys that she has had to replace over the years
 - Feedback from the “dog community” at Dog Industry Shows (Superzoo, Anaheim, CA, July 2002, and H.H. Backer, Chicago, October, 2002)
 - Julie’s retailers’ testimony that the most common complaint among dog owners is a ripping apart/destruction of household items
 3. A “rip apart” dog toy provides a proper outlet for this chewing need.
 - Note: See Market Survey: Dogs seem to be appeased after ripping the main parts apart
 - Julie’s own experience: Her dogs no longer irreparably destroy their toys, but rather seem delighted after ripping heads, arms and legs off, and she can then simply stick the toy back together.
 4. A “rip apart” toy has never been created, marketed, or patented specifically for dogs before
 - Patent search evidences this
 - Note: See Market Survey: Store owners and managers, most of whom have been in the business many years and could be considered experts by way of experience, testify that they have never seen a “rip apart” dog toy before
 - Petco, the largest chain of dog supply stores, proposed placement of the toys in their new “boutique” sections of their stores where they are merchandising only new and unique items
 5. Although “rip apart” toys exist for humans, these toys are a completely different toy from “rip apart” toys for dogs
 - “Rip apart” dog toys:
 - constructed to be ripped apart with the teeth
 - made in a way that provide an outlet for appeasement of the instinctual, inherent chewing, rip-apart-with-the-teeth need, which is exclusive to dogs (humans don’t normally rip their shoes or furniture apart with their teeth to alleviate frustration, boredom, or stress)
 - dogs can’t comprehend stress after a “bad call” in a ball game so the dog toys are not devised for this release
 - dogs don’t rip apart the toys for any educational means, or so that they can enjoy putting them back together, so the toys are not devised for dogs to put them back together
 - “Rip apart” human toys:
 - often meant to be taken apart so that they can be put back together as an end use
 - often meant to be educational
 - can be used to release stress humans might feel after a “bad call” in a ballgame

-not meant to alleviate a prey or chewing instinct

- Humans don't have a long-felt need for a toy that will help humans eliminate destructive chewing, or any oral behavior toward shoes, clothes, or furniture, however dogs do need such a toy to provide this outlet, and "rip apart" toys made for dogs provide this outlet
6. Toys that are created specifically for dogs, differ from toys that are made for humans
 - Size: with special consideration for the largest sized dogs' mouths, i.e. no small parts, tennis ball sized or larger, so as not to be swallowed
 - Shape: with special consideration for what would entice dogs, usually animal shapes to simulate prey, or balls to encourage chasing
 - Color: animal behaviorists claim pink and orange are most enticing to dogs
 - Sound: voice boxes to simulate animal/prey sounds are especially desirable to dogs, as well as rattles and squeakers
 - Safety: no plastic eyes, embroidered facial features are best, no toxic materials, must be washable, no removable metal pieces
 - Velcro® that is strong enough to give dogs enough resistance to simulate "destruction" but soft enough to avoid abrasion of the gums, and always rounded at corners so as not to "poke" dogs mouths
 - Proper warnings on hang tags for dogs
 7. "Rip apart" dog toys are non-obvious...they are new, unique, answer a problem, and upon introduction were suddenly in great demand
 - The two top competing dog toy companies have each approached me with requests to enter into a licensing agreement for the "rip apart" dog toys IF a patent is granted (without a patent they will go forward without my consent or control, "We have a keen interest in your concept..."Mr.Gary Hirschberg, president, Vo-Toys, in an email to Julie, attached).
 - The largest chain of dog supply stores, Petco, proposed merchandising the toys in their new high-end concept stores which only feature, according to buyer for Petco, Ms. Joanna Rudalevige, the most new and unique items.

In a Marketing Survey that was sent to approximately 70 pet shop owners who sell dog supplies, the results thus far of the Pet Generation Marketing Survey have been as follows:

1. For the Question, "Have you ever seen a "rip apart" dog toy, prior to the Rip Roarin Fun-nies?"

All 14 respondents said "NO"

2. For the Question, "Do your customers often complain that their dogs destroy or rip apart toys or things they are not supposed to?"

All 14 respondents said "YES"

3. For the question, "Do you feel that the "Rip-Roarin Fun-nies" rip apart toys provide a good outlet for that rip apart need?"

All 14 Respondents said "YES"

4. For the question, "Do dogs rip apart the individual pieces or do they seem appeased, at least temporarily, after removing the Velcro attachments?"

Several different responses were generated:

3 Respondents were unsure, 4 stated that some dogs do, some do not, 5 stated that the dogs are at least temporarily appeased, 2 stated that dogs still ripped apart individual pieces.

5. For the Question, "Do you feel that there was a long-felt need for a toy that dogs could be allowed to "rip apart" (and it could then be put back together!)"

13 Respondents said yes, and 1 Respondent was unsure

6. For the Question asking for the "features that make the Rip Roarin' Fun-nies especially well suited for dogs.

Respondents answered with, "Cute," Soft, Velcro, Fun, Size, Velcro attachments, Small size of the Parts, No strings or plastic eyes for dogs to swallow, Only come apart by pulling apart, Hide a Treat Option, Sound of the Velcro, Fact they can rip it apart, Washable, Noise, Cute Shapes, strong Velcro, quality fleece, Velcro Sound.

The most common response referred to attributes of the Velcro.

7. For the Question, "What kind of feedback had you had from your customers regarding the "Rip Roarin Fun-nies"

13 Respondents reported that they received Positive Feedback

1 Respondent reported that they received negative Feedback due to Opening of Back Seam.


8. For the Question, "In comparison to the other dog toys your store sells, please rank the sale: of the Rip Roarin Fun-nies"

4 Respondents reported that they are not selling as well as other toys

7 Respondents reported that they are selling the same as the other toys

3 Respondents reported that they were selling better than the other toys

I testify that the above is true and accurate to the best of my knowledge.


Julie Theel

8-21-09
Date

EXHIBIT LIST FOR
SUPPLEMENTAL DECLARATION OF JULIE THEEL

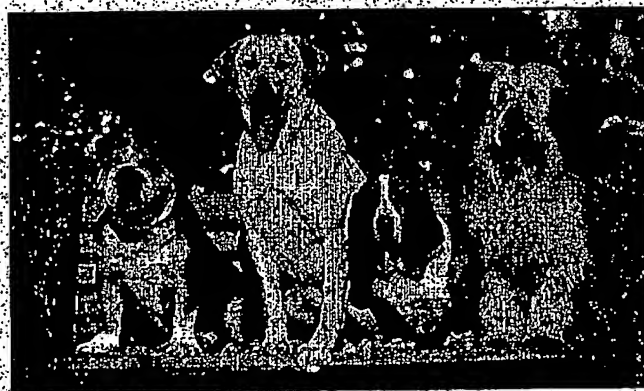
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| Exhibit 1 | The Purina Encyclopedia of Dog Care by Amy D. Shojai |
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Exhibit 1

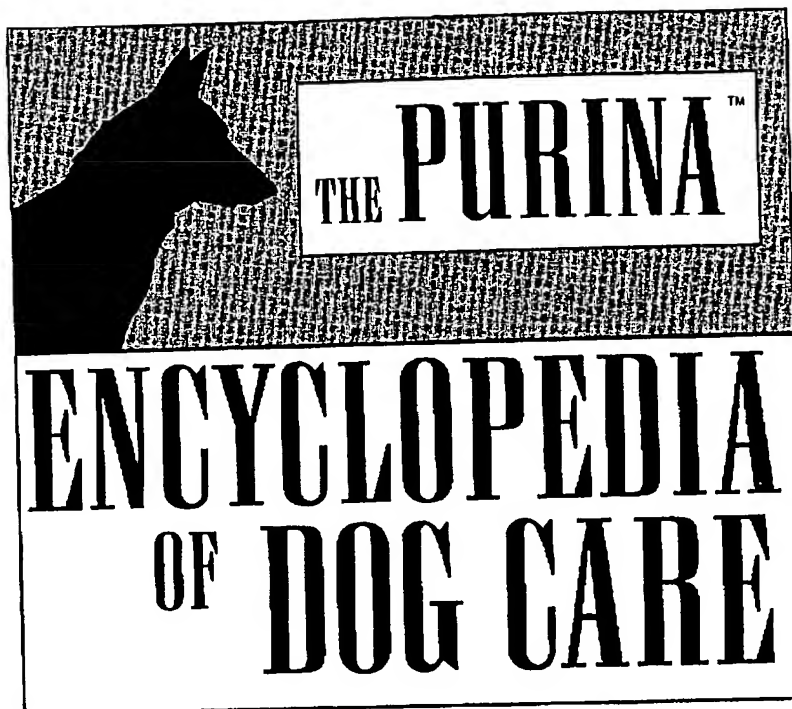


THE PURINATM ENCYCLOPEDIA OF DOG CARE

A COMPLETE A-TO-Z GUIDE, FROM
CANINE CARE AND PERSONALITY
TRAITS TO BREED CHARACTERISTICS!



AMY D. SHOJAI
FOREWORD BY BRIAN KILCOMMONS



AMY D. SHOJAI

Ballantine Books • New York

A Ballantine Book
Published by The Ballantine Publishing Group

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www.randomhouse.com/BB/

LIBRARY OF CONGRESS CATALOGING-IN-PUBLICATION DATA

Shojai, Amy, 1956-

The Purina encyclopedia of dog care / Amy D. Shojai.—1st ed.

p. cm.

Includes index.

ISBN 0-345-41286-9 (hc : alk. paper)

1. Dogs—Encyclopedias. 2. Dogs—Diseases—Encyclopedias.
3. Dogs—Health—Encyclopedias. I. Ralston Purina Company.
II. Title.

SF422.S55 1999

636.7'0893—dc21

99-10800

Text design by Holly Johnson

Cover design by Min Choi
Cover photo © Ron Kimball Studios

Manufactured in the United States of America

First Edition: June 1999

10 9 8 7 6 5 4 3 2 1

Chewing

Just like human babies, puppies put things in their mouths as a way to explore their world. Particularly when teething, young dogs chew objects to relieve the discomfort. But unlike people, dogs don't outgrow the habit of mouthing and gnawing.

Your dog doesn't have hands and instead uses her mouth. Canines are mouth-oriented creatures with an incredible ability to control the intensity

Dogs love to chew
(Photo credit: Amy D.
Shojai)



Chewing can wear
or break teeth
(Photo credit: Ralston
Purina Company)





Chewing sticks can cause problems (Photo credit: Betsy Stowe)

their bite. Modern pet dogs use their powerful teeth and jaws to pick up and carry things, to eat, for defense, and for recreational chewing. Gnawing objects simply feels good to dogs.

This oral fixation tends to get dogs into trouble, however, because they aren't always particular about the objects they target. Canine chewing not only can damage your property, but can injure the dog when teeth are broken or an object is swallowed (see SWALLOWED OBJECTS and PERIODONTAL DISEASE).

Items that carry their beloved owner's scent—like leather shoes—are often targeted, but nothing is sacred. Dogs who are bored and have nothing else to do tend to be problem chewers.

Chewing is normal, natural behavior for dogs and cannot—should not—be eliminated. It is up to owners to provide their pers with appropriate and safe chewing outlets to satisfy these doggy cravings.

Avoid offering objects that may confuse your dog. If she's not to chew your new shoes, don't offer the old ones; dogs may not be able to tell the difference. Choose instead a dog toy sold in grocery or pet stores. The key to solving problems is to reduce your dog's opportunities to make mistakes. Don't leave tempting items scattered about the house, and confine your dog to a "safe" zone when you aren't there to supervise her activity. When you catch

Never offer your dog bones to chew on. Raw bones are unsanitary, and both raw and cooked bones can splinter under the dog's assault. Swallowed fragments could cause lethal internal trauma by puncturing or blocking the gastrointestinal tract.

Never offer your dog bones to chew on. Raw bones are unsanitary, and both raw and cooked bones can splinter under the dog's assault. Swallowed fragments could cause lethal internal trauma by puncturing or blocking the gastrointestinal tract.

A number of commercial chew objects are available, including a variety of flavored rawhide toys. Rawhide is fine in moderation, but large dogs tend not only to chew, but to eat the things. In excess, rawhide can interfere with sound nutrition when your dog eats these treats instead of her food. They can also cause CONSTIPATION and sometimes blockage if large enough pieces are swallowed.

Commercial hard rubber chew objects are available in sizes and even chicken and liver flavors to suit nearly every dog. The Nylabone and Gumbone products are excellent, offering a nearly indestructible source of chewing delight.

Cheyletiellosis

Also called *Cheyletiella dermatitis*, this condition in dogs is usually caused by a mite called *Cheyletiella yasguri*. The mite lives on the surface of the dog's skin and causes a contagious disorder that tends to be limited to scaling and crusting of the skin. Typically, the dog's fur looks filled with dandruff. The skin may be itchy or not, and occasionally the lymph nodes will also swell. Some dogs may harbor the mite without showing any signs, yet spread the disease. Any

| |
|------------|
| SYMPTOM |
| HOMOCAR |
| VERGARE |
| PREFENTION |

Exhibit 2



Vet On Call

The Best Home Remedies
for Keeping Your Dog Healthy

From the Editors of

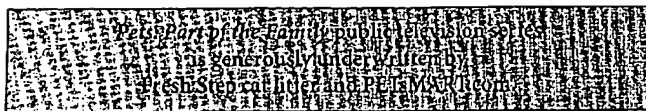


Edited by Matthew Hoffman

Veterinary consultant: Christine L. Wilford, D.V.M., is a veterinarian
in private practice in Seattle, Washington, and the "Veterinary News"
columnist for *American Kennel Club Gazette*.



Rodale Press, Inc.
Emmaus, Pennsylvania



Notice

This book is intended as a reference volume only, not as a medical manual. The information given here is designed to help you make informed decisions about your pet's health. It is not intended as a substitute for any treatment that may have been prescribed by your veterinarian. If you suspect that your pet has a medical problem, we urge you to seek competent medical help.

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Printed in the United States of America on acid-free ♻, recycled paper ♻

Library of Congress Cataloging-in-Publication Data

Vet on call : the best home remedies for keeping your dog healthy / edited
by Matthew Hoffman.

p. cm. — (Dog care companions)

Includes index.

ISBN 1-57954-225-5 hardcover

1. Dogs—Diseases—Treatment. 2. Dogs—Health. 3. Dogs—Behavior.

I. Hoffman, Matthew. II. Series.

SF991.V424 1999

636.7'089—dc21

98-31657

ISBN 1-57954-181-X paperback

Distributed to the book trade by St. Martin's Press

2 4 6 8 10 9 7 5 3 1 hardcover

2 4 6 8 10 9 7 5 3 1 paperback

OUR PURPOSE

To explore, celebrate, and stand in awe
before the special relationship between us
and the animals who share our lives.

Pets
Part of the Family

Destructiveness

Many dogs, from the most refined poodle to the heartiest mutt, seem to have a secret side. When you're home your dog is always on his best behavior. But when you leave for work or go to bed, his personality changes and he shows his dark side—as you later discover when you find your tattered shirt, chewed shoes, and dug-up plants.

It's normal for puppies to chew, so your first task, after buying a food bowl, a tiny collar, and a chew toy, is to get your possessions off the floor and out of jaw-range. But destructive behavior has no age limits. Some older dogs, after years of good behavior, suddenly seem to forget their lessons and go on a rampage. They're not being spiteful or trying to punish you for leaving them at home all day. They're just finding the most convenient outlet for their emotions.

Don't Leave Me

Dogs don't show their emotions the way people do, so we sometimes forget that they experience many of the same feelings, such as anxiety, frustration, and boredom. They can't tell you when they're upset, but they can show you—sometimes with destructive behavior.

It's not a coincidence that dogs are usually at their most destructive when they're left alone, says Daniela Ortner, an animal behaviorist in Los Angeles, California. Until humans came on the scene, dogs always lived in packs, and they don't like spending time alone. In your dog's eyes, you're part of his pack, and when you leave the house, he may feel abandoned. As his anxiety mounts he may experience the canine equivalent of temporary insanity and begin annihilating everything within reach. It's his way of working out bad feelings. For more information on separation anxiety see pages 158 to 159.

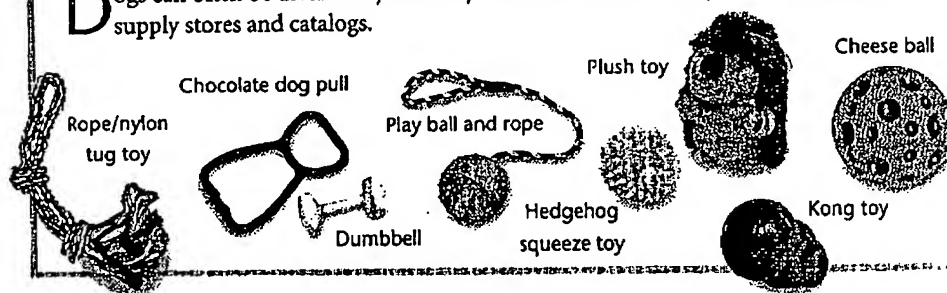
Unless you spend your days at home, there's no easy way to monitor your dog's goings-on. It takes time and patience, but there are ways to help him cope with being on his own.

Enroll your dog in doggie day care. The extra attention will make him less anxious—and less destructive.



CHew TOYS

Dogs can often be diverted by chew toys. There is a wide variety available from pet supply stores and catalogs.



Find him a job. Dogs who are confident and secure are much less likely to become destructive when they're alone. A great way to boost your dog's ego is to give him something to do—anything from canine sports like flyball to visiting hospitals or nursing homes. Also, active dogs are tired dogs, so they're more likely to sleep than look for trouble when you're gone, says Patricia McConnell, Ph.D., a certified animal behaviorist in Black Earth, Wisconsin.

Dogs need special training for therapy-dog work. That's not a bad thing, because many dogs enjoy obedience training, and especially the praise that comes from doing a good job.

Keep his jaws busy. One reason dogs chew when they're upset is because that's their way of relieving tension, and also of passing the time. One of the best ways to stop a destructive dog who enjoys chewing is to give him acceptable alternatives, like chew toys or tennis balls, says Steven Appelbaum, an animal behaviorist in Northridge, California. A good choice is the Kong toy, says Dr. McConnell. Made of stout

rubber with a hollow cavity inside, these are designed to hold small amounts of food, like cheese or a spoonful of peanut butter. Dogs can happily spend hours just trying to get the food out of the hole.

When choosing chew toys, avoid discarded socks or shoes. Your dog can't tell the difference between old, rejected slippers and brand-new pumps. If you let him think one shoe is acceptable, he'll conclude that all shoes are fair game.

Use a deterrent. Some dogs have a favorite object—anything from a piano leg to the corner of a door frame—and will keep returning to chew the life out of it. Spraying the object with something that tastes or smells bad, such as Bitter Apple or citronella, available in pet supply stores, will help keep them away.

Another approach is to booby-trap the things your dog chews—for example, by putting coins in an empty soda can and tying it to the object of his desire. When he grabs it, the noise will startle him and he may think twice about chewing it next time.



Give him his own space. Dogs naturally gravitate to small, enclosed, den-like spaces, especially when they're anxious. In fact, many dogs feel insecure when they have the run of the house—they don't know what to do with all that space. Try confining your dog in a small room or gradually get him used to being crated when you're not home. This can make him feel much safer and more secure, so he's less likely to run amok.

Sabotage his digging. Some dogs get destructive in the house; others love tearing up the yard. It's extremely hard to discourage a dog that digs digging, but you can make it harder for him by burying lava rock in the area, since he won't like the way it feels when he hits it, says Appelbaum. Or try cutting his nails so that digging feels uncomfortable—but don't cut them so short that you damage the sensitive quick.

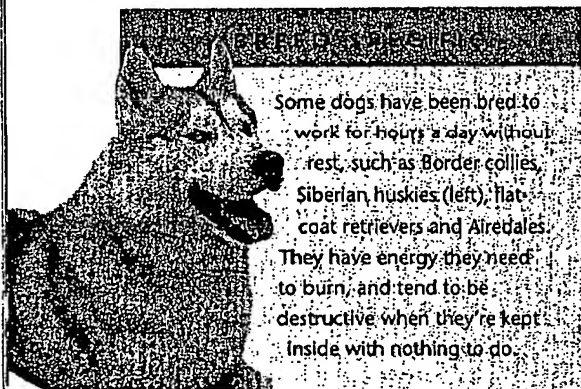
Drop by occasionally. If you're lucky enough to live close to work, you can always drop by at lunchtime. When you visit your dog during the day, his isolation is interrupted, and



This bearded collie is burning tremendous amounts of energy. The more he plays and exercises the less likely he is to be distressed and destructive.

he'll be less likely to be anxious when you're gone. When you're not able to get away from work, you might want to arrange with a neighbor or a professional dog sitter to drop by your home during the day. Giving your dog someone to play with, even if it's only for a few minutes, will help keep him entertained while taking his mind off your belongings, says Ortner.

Wear him out. While dogs often use destructive behavior as a way of defusing stress, they also do it simply because they have more energy than they know what to do with. A good solution is to give him a lot of exercise just before you leave in the morning and again when you get home at night, says Dr. McConnell. A dog who's used up all his energy is much less likely to be destructive.



Some dogs have been bred to work for hours a day without rest, such as Border collies, Siberian huskies (left), flat-coat retrievers and Airedales. They have energy they need to burn, and tend to be destructive when they're kept inside with nothing to do.

Exhibit 3

ASPEN PET

FACSIMILE TRANSMITTAL SHEET

| | | | |
|---------------|-------------------|-------------------------------------|-----------------------------------|
| TO: | Julie Theel | FROM: | Kelsey Baker, Executive Assistant |
| COMPANY: | Pat Generation | DATE: | 11/11/2002 |
| FAX NUMBER: | 949.425.8756 | TOTAL NO. OF PAGES INCLUDING COVER: | 4 |
| PHONE NUMBER: | | SENDER'S PHONE NUMBER: | 303.375.1001 |
| RE: | License Agreement | SENDER'S FAX NUMBER: | 303.375.1254 |

☐ URGENT ☒ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ PLEASE RECYCLE

From Robert Kirch ...

Aspen Pet Products, Inc.
4735 N. Florence Street
Denver, CO 80238

November 11, 2002

Julie Theel, President
Pet Generation
1280 Bison
Suite: B9-263
Newport Beach, CA 92660

Re: "Rip Roarin' Fun-nies"

Dear Julie:

On the basis of our telephone conversation, we are pleased to advise you that Aspen Pet Products, Inc. ("Aspen") is interested in entering into a definitive Exclusive License Agreement (the "Agreement") with Pet Generation ("Inventor") with respect to the Rip Roarin' Fun-nies (the "Product"). We understand that the Product could potentially be the subject of a utility patent in the US, which has been filed by the inventor. This letter of interest sets forth the key terms of our proposal for an Agreement, as follows:

1. Terms of Agreement. The principal terms of the Agreement will be as follows:

- a. Inventor will grant to Aspen the exclusive right to manufacture, distribute and sell the Product worldwide. Aspen will have full rights to copyrights and trademarks related to the Product.
- b. Inventor will receive a 5% royalty on net sales of the Product, payable within 45 days of the close of each calendar quarter, along with a report of sales by SKU. This royalty structure is based on issuance of a broad patent protection to repel direct competition.
- c. The term of the Agreement will be for the marketable life of the Product.

-2-

2. Access to Information. Immediately following acceptance of this letter, Inventor will provide Aspen and its representatives access to all design concepts, prototypes, samples, patent applications, patent searches and registrations (if applicable), and other information of Inventor relating to the design of the Product to enable Aspen to complete its investigation of its marketability. Any proprietary or confidential information of Inventor disclosed to Aspen in the course of its investigation will be held in confidence by Aspen and returned to the inventor if an Agreement between both parties is not reached.

3. Expenses. Each party to the Agreement will pay all of its own expenses.

4. Cooperation and Exclusive Dealing. Inventor and Aspen will cooperate in good faith and expeditiously to determine the validity of the Product. Inventor agrees not to offer to license any rights to manufacture, distribute or sell the Product, and not to solicit, negotiate, accept or enter into any agreement with any third party with respect to the Product (including, without limitation, any agreement for the license, manufacture, sale, distribution or supply of the Product), until the expiration of 90 days from the execution date of this letter or such earlier date as the parties mutually agree that an Agreement cannot be reached.

5. Nondisclosure/Publicity. Each party agrees that it will not, without the prior written consent of the other party, disclose publicly or to any third party the terms and conditions of this letter or the subsequent negotiations between the parties, except to the extent required by law or as may be required by Aspen in connection with determining the cost of the Product.

6. Nonbinding Agreement. This letter of Interest is intended to provide a basis for the preparation of a definitive Exclusive License Agreement. Until such agreement has been prepared and duly authorized, executed and delivered by both parties, none of the provisions of this letter shall be binding on either party with the exception of the agreements and obligations contained in numbered paragraphs 2 through 5 above.

7. Acceptance. This letter of interest may be accepted in writing by Inventor until November 19, 2002, but will be terminated if not accepted by the close of business on that date.

-3-

If the foregoing is satisfactory, please evidence your acceptance of this proposal by signing and returning to us the enclosed copy of this letter. It is understood that upon your acceptance, this letter will constitute a letter of interest to negotiate in good faith to complete a definitive Exclusive License Agreement on the terms set forth above.

Very truly yours,

ASPEN PET PRODUCTS, INC.

By: 

Robert J. Kirch, Chief Executive Officer

ACCEPTED AND AGREED

Date: _____

PET GENERATION

By: _____

Julie Theel, President

Exhibit 4

Julie Theel

From: "Gary Hirschberg" <GaryH@Vo-Toys.com>
To: <Julie@petgeneration.com>
Sent: Thursday, October 17, 2002 10:19 AM
Subject: conversation at Backer Show

Julie,

I attempted to reach you by telephone after the Chicago Backer show. I left a voicemail. I thought it might be easier to reach you by email in the absence of anyone manning the telephone. If you recall, we had a brief discussion at your booth about the patent you have developed for partitioning toys with velcro. We are very keen on the concept and we would like to pursue a licensing agreement with the patent and develop our own designs. We would be interested in marketing some of yours as well but if you chose to go at that alone, we would be content to sell our own program. I am not sure what direction you are interested in pursuing but it would seem to me that the first and most realistic attempt should be to collect royalties from someone else's efforts to offset your upfront expenses. If you would like to pursue this further, I welcome hearing from you to discuss in more detail. I can be reached as follows: email or at 1 800 272-0088.

2/19/2003

Exhibit 5

Julie Theel

From: <info@petgeneration.com>
To: <julietheel@cox.net>
Sent: Wednesday, January 15, 2003 2:26 PM
Subject: Web Site Inquiries from Wholesale Form

Do not reply to this email. Create a new email to respond.

Name: joanna rudalevige
Company Name: petco
Address: 9125 rehco rd
City: san diego
State: ca
Zip: 92121
Country: USA
Phone: 858-453-7845 x3545
Fax:
Email: joannar@petco.com
Type of Business: Retail Pet Store
How would you like to be contacted?: Email
Comments: interested in your product line ... would like to see price list
thanks
joanna

2/19/2003

Exhibit 6

JULIE...

WE LOVE THE NEW TIGER +
MONKEY! SOLD A MONKEY

BEFORE I EVEN HAD THEM OUT OF
THE BOX! YOUR PRODUCT IS
GREAT! CAN'T WAIT TO SEE
WHAT'S TO COME!

I HANKS

amber
at
HEALTHY PET

PO#: 111303ce

-On the Northwest-

Phone: (253) 943-0253/ Fax: (253) 943-0252/ E-Mail: Carlene1@attglobal.net
Mailing Address: 1815 Copalis Street NE/ Tacoma, Washington 98422

Bill to:

Railey's Leash & Treat
513 North 36th Street
Seattle, WA 98103
(206) 632-5200/Mark Smith

Manufacturer/Publisher Name:

Pet Generation

| | | | | | | |
|----------------|---------------------|--------------------|------------|------------------|--------------|----------------------|
| Date: 11/13/03 | Ship Date: 12/01/03 | Ship Via: cheapest | Terms: N30 | Buyer Name: Mark | Buyer Phone: | Salesperson: Carlene |
|----------------|---------------------|--------------------|------------|------------------|--------------|----------------------|

Special Instructions:

| QTY | UNIT | NUMBER | DESCRIPTION | PRICE | AMOUNT |
|-----|------|--------|-------------|-------|--------|
| 8 | | | Cow | 5- | 40- |
| 8 | | | monkey | 5- | 40- |
| 8 | | | tiger | 5- | 40- |
| | | | | | 120- |
| | | | | | 9.00 |

\$120-

*Julie - Mark's dog (Railey)
LOVES YOUR TONS!*

*It's his new favorite.
Mark calls it*

"Railey's 'headless' monkey"

*He wanted to make sure I
told you how much he
loves your product! - CJM*

Current Folder: **INBOX**[Sign Out](#)[Compose](#) [Addresses](#) [Folders](#) [Options](#) [Search](#) [Help](#) [Calendar](#) [Notes](#)[Message List](#) | [Delete](#)[Previous](#) | [Next](#)[Forward](#) | [Reply](#) | [Reply All](#)Subject: **Pet Generation Contact Form**[View Full Header](#)From: info@petgeneration.com [Add](#)[View Printable Version](#)

Date: Fri, March 21, 2003 6:03 pm

[View Message details](#)To: info@petgeneration.comPriority: **Normal**

Do not reply to this email. Create a new email to respond.

Email: omalmals@ameritech.net

Phone:

Name: Cindy O'Malley

Interested in: Riproaing Funnies

Comments: I LOVE THESE TOYS!!! They are awesome for puppies. We have malamute puppies and they are wonderful for inspiring confidence and finding out who in the litter has the prey drive. Do you have any discounts for large orders? Thanks

[Download this as a file](#)

Julie Theel

From: "Carmen Laurin" <calaurin@shaw.ca>
To: <julietheel@cox.net>
Sent: Monday, December 09, 2002 2:46 PM
Subject: Rip Roarin' Fun-nies toys

Hi Julie (I think that's the name I heard on your phone answering machine),

I am the owner of Pet Perspectives. I write and produce unique illustrated memorials and stories for clients about their pets and for friends/family as gifts to pet owners. Like you, my business venture is fairly new.

As a complementary add-on to my product, I am interested in a sole distributorship of unique high quality pet items for British Columbia. I came upon your Rip Roarin' Fun-nies toys in another site, and further search brought me to YOUR site.

Your toys are truly unique -- haven't come across any like them in my ongoing extensive search. Would you be interested in marketing the toys in British Columbia, if you are not already in stores here (again, I hadn't seen your toys until today).

I look forward to hearing from you. In the meantime, congratulations on a unique product!

Carmen Laurin
Pet Perspectives
Bowser, BC
Phone: 250-757-8308

2/19/2003

Exhibit 7

Market Survey



"Rip Roarin' Fun-nies"TM ...the Velcro® attached dog toys, that can be "ripped apart" and put back together!

1. Have you ever seen a "rip apart" dog toy, prior to the "Rip Roarin' Fun-nies"TM?
No
 2. Do your customers often complain that their dogs destroy or rip apart toys or things they are not supposed to? yes
 3. Do you feel that the "Rip Roarin' Fun-nies"TM rip-apart toys provide a good outlet for that rip apart "need"? yes
 4. Do dogs rip apart the individual pieces, or do they seem appeased, at least temporarily, after removing the Velcro® attachments? tend to want to rip
 5. Do you feel there was a long-felt need for a toy that dogs could be allowed to "rip apart" (and it could then be put back together!)? yes, my dogs love them
 6. Name the features, if any, that make the "Rip Roarin' Fun-nies"TM especially well suited for dogs. I think dogs love the sound of the velcro
 7. What kind of feedback have you had from your customers regarding the "Rip Roarin' Fun-nies"TM? they love them
 8. In comparison to the other dog toys your store sells, please rank the sales of the "Rip Roarin' Fun-nies"TM:
☐ not selling as well as the other toys
☒ selling the same as the other toys
☐ selling better than the other toys
 9. Out of the different "Rip Roarin' Fun-nies"TM designs, which is your best seller? big ball
 10. What design/character would you like to see introduced next into the family of "Rip Roarin' Fun-nies"TM? big ball better stitching
 11. Any additional thoughts or comments? just keep up the good work
- Store: Fairwood Pet Ctr
 Address: 14242 SE 17th St
Renton, WA 98058
 Store Telephone Number: 425 271 9344
 Signed: [Signature]
 Title: Manager

We REALLY appreciate your input! Thank you so very much!
 Pet Generation, LLC

PLEASE FAX BACK TO 949-425-8756

1280 Bison, Suite B9-263 • Newport Beach, CA 92860 • (466) 204-2539 • F (949) 425-8756

Market Survey

"Rip Roarin' Fun-nies™"



...the Velcro® attached dog toys, that can be "ripped apart" and put back together!

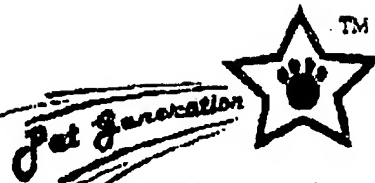
1. Have you ever seen a "rip apart" dog toy, prior to the "Rip Roarin' Fun-nies™"? No
 2. Do your customers often complain that their dogs destroy or rip apart toys or things they are not supposed to? Yes
 3. Do you feel that the "Rip Roarin' Fun-nies™" rip-apart toys provide a good outlet for that rip apart "need"? Yes
 4. Do dogs rip apart the individual pieces, or do they seem appeased, at least temporarily, after removing the Velcro® attachments? Feed back seems to indicate the Velcro rip
 5. Do you feel there was a long-felt need for a toy that dogs could be allowed to "rip apart" (and it could then be put back together!)? Never thought about it until we saw it
 6. Name the features, if any, that make the "Rip Roarin' Fun-nies™" especially well suited for dogs. _____
 7. What kind of feedback have you had from your customers regarding the "Rip Roarin' Fun-nies™"? Trainers have used it for dogs who need to think they are
 8. In comparison to the other dog toys your store sells, please rank the sales of the "Rip Roarin' Fun-nies™": destroying something
☐ not selling as well as the other toys
☒ selling the same as the other toys
☐ selling better than the other toys
 9. Out of the different "Rip Roarin' Fun-nies™" designs, which is your best seller? Big Fuzzy Ball
 10. What design/character would you like to see introduced next into the family of "Rip Roarin' Fun-nies™"? _____
 11. Any additional thoughts or comments? We recommend the fuzzy ball because there are fewer little pieces on it for dogs to chew off -
We would like more designs like that.
- Store: Well Bred
 Address: 18 Main St.
Clinton NJ 08809
 Store Telephone Number: 908-730-7977
 Signed: Kathy Stratis
 Title: Co-owner

We REALLY appreciate your input! Thank you so very much!
 Pet Generation, LLC

PLEASE FAX BACK TO 949-425-8756

1280 Bison, Suite B9-263 • Newport Beach, CA 92660 • (866) 204-2539 • F (949) 425-8756

Market Survey

"Rip Roarin' Fun-nies™"

...the Velcro® attached dog toys, that can be "ripped apart" and put back together!

1. Have you ever seen a "rip apart" dog toy, prior to the "Rip Roarin' Fun-nies™"? NO

2. Do your customers often complain that their dogs destroy or rip apart toys or things they are not supposed to? yes

3. Do you feel that the "Rip Roarin' Fun-nies™" rip-apart toys provide a good outlet for that rip apart "need"? yes

4. Do dogs rip apart the individual pieces, or do they seem appeased, at least temporarily, after removing the Velcro® attachments? ?

5. Do you feel there was a long-felt need for a toy that dogs could be allowed to "rip apart" (and it could then be put back together)? yes

6. Name the features, if any, that make the "Rip Roarin' Fun-nies™" especially well suited for dogs. Cute

7. What kind of feedback have you had from your customers regarding the "Rip Roarin' Fun-nies™"? none yet after purchase, before thought

8. In comparison to the other dog toys your store sells, please rank the sales of the "Rip Roarin' Fun-nies™": Good Idea

- ☒ not selling as well as the other toys
☐ selling the same as the other toys
☐ selling better than the other toys

9. Out of the different "Rip Roarin' Fun-nies™" designs, which is your best seller? Bears

10. What design/character would you like to see introduced next into the family of "Rip Roarin' Fun-nies™"? Giggle Toys

11. Any additional thoughts or comments? I've had to show them to customers & how they work

Store: PRETTY POODLES & PETS

Address: 6905 W. BROWARD BLVD. STE. 117
PLANTATION, FL 33317

Store Telephone Number: 954-387-0850

Signed: Rose Ann Benson

Title: President

special signage
would help.

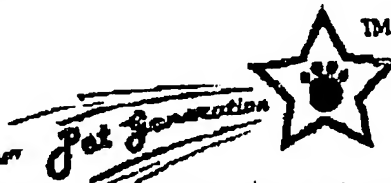
We REALLY appreciate your input! Thank you so very much!
 Pet Generation, LLC

PLEASE FAX BACK TO 949-425-8756

1280 Bison, Suite 38-263 • Newport Beach, CA 92660 • (566) 204-2580 • F (949) 425-8756

I know it's late but thought you might still want the survey! WE LOVE THE TOYS!

Market Survey



"Rip Roarin' Fun-nies™"

...the Velcro® attached dog toys, that can be "ripped apart" and put back together!

1. Have you ever seen a "rip apart" dog toy, prior to the "Rip Roarin' Fun-nies™"?

NO

2. Do your customers often complain that their dogs destroy or rip apart toys or things they are not supposed to? YES

3. Do you feel that the "Rip Roarin' Fun-nies™" rip-apart toys provide a good outlet for that rip apart "need"? YES

4. Do dogs rip apart the individual pieces, or do they seem appeased, at least temporarily, after removing the Velcro® attachments? SOME HAVE, SOME HAVE NOT

5. Do you feel there was a long-felt need for a toy that dogs could be allowed to "rip apart" (and it could then be put back together)? YES

6. Name the features, if any, that make the "Rip Roarin' Fun-nies™" especially well suited for dogs SOFT, VELCRO, FUN

7. What kind of feedback have you had from your customers regarding the "Rip Roarin' Fun-nies™"? VERY CUTE

8. In comparison to the other dog toys your store sells, please rank the sales of the "Rip Roarin' Fun-nies™":

... not selling as well as the other toys

... selling the same as the other toys

☒ selling better than the other toys

SEEM TO SELL BETTER

9. Out of the different "Rip Roarin' Fun-nies™" designs, which is your best seller? PIG & COW

10. What design/character would you like to see introduced next into the family of "Rip Roarin' Fun-nies™"? SQUIRREL

11. Any additional thoughts or comments? SLIGHTLY STRONGER FABRIC FOR LARGE DOGS

Store: KOOL DOG KAFE

Address: Kaloa S. P.O.H.

Redondo BEACH CA 90277

Store Telephone Number: 310 944-3232

Signed: [Signature]

Title: OWNER

NEW PHONE #'s

FAX: 310-943-2246

Cust Serv 866-KOOL DOG

We REALLY appreciate your input! Thank you so very much!

Pet Generation, LLC

PLEASE FAX BACK TO 949-425-8756

1280 Bison, Suite B9-263 • Newport Beach, CA 92660 • (866) 204-2538 • F (949) 425-8756

Market Survey

Rip Roarin' Fun-nies™

Pet Generation



the Velcro® attached dog toys, that can be "ripped apart" and put back together!

1. Have you ever seen a "rip apart" dog toy, prior to the "Rip Roarin' Fun-nies™"?

NO

2. Do your customers often complain that their dogs destroy or rip apart toys or things they are not supposed to? ALWAYS

3. Do you feel that the "Rip Roarin' Fun-nies™" rip-apart toys provide a good outlet for that rip apart "need"? YES

4. Do dogs rip apart the individual pieces, or do they seem appeased, at least temporarily, after removing the Velcro® attachments? YES

5. Do you feel there was a long felt need for a toy that dogs could be allowed to "rip apart" (and it could then be put back together)? YES - BUT I HAD NEVER THOUGHT OF IT

6. Name the features, if any, that make the "Rip Roarin' Fun-nies™" especially well suited for dogs. NOISE MAKER, SIZE, VELCRO ATTACHMENTS

7. What kind of feedback have you had from your customers regarding the "Rip Roarin' Fun-nies™"? SEVERAL HAVE HAD THE BACK SEAM OPEN EXPOSING STITCHING

8. In comparison to the other dog toys your store sells, please rank the sales of the "Rip Roarin' Fun-nies™".

☐ not selling as well as the other toys
☐ selling the same as the other toys
☒ selling better than the other toys

9. Out of the different "Rip Roarin' Fun-nies™" designs, which is your best seller? PIG

10. What design/character would you like to see introduced next into the family of "Rip Roarin' Fun-nies™"? MONKEY, DOG, CAT

11. Any additional thoughts or comments? ABOUT 5% OF THEM COME WITH DEFECTS - EITHER NOT SEWN ENTIRELY CLOSED OR NOISE MAKER DOES NOT WORK

Store: MODERN DOG

Address: 7932 IVANHOE AVE

LA JOLLA, CA 92037

Store Telephone Number: 858-551-9696

Signed: C. P. Z.

Title: OWNER

We REALLY appreciate your input! Thank you so very much!

Pet Generation, LLC

PLEASE FAX BACK TO 949-425-8756

1280 Biscuit, Suite B1-263 • Newport Beach, CA 92660 • (888) 214-2639 • F (949) 425-8756

J.L. HARE ASSOCIATES Fax:714-245-9761

FEB 11 2003 12:42 P.02

Market Survey



"Rip Roarin' Fun-nies™"

...the Velcro® attached dog toys, that can be "ripped apart" and put back together!

1. Have you ever seen a "rip apart" dog toy, prior to the "Rip Roarin' Fun-nies™"?

NO

2. Do your customers often complain that their dogs destroy or rip apart toys or things they are not supposed to? YES

3. Do you feel that the "Rip Roarin' Fun-nies™" rip-apart toys provide a good outlet for that rip apart "need"? YES, PER OUR CUSTOMERS

4. Do dogs rip apart the individual pieces, or do they seem appeased, at least temporarily, after removing the Velcro® attachments? NOT SURE - WE HAVE CATS ONLY AT STORE

5. Do you feel there was a long-felt need for a toy that dogs could be allowed to "rip apart" (and it could then be put back together!)? NOT IN BUSINESS LONG ENOUGH TO KNOW (9 mo)

6. Name the features, if any, that make the "Rip Roarin' Fun-nies™" especially well suited for dogs. THE SMALL SIZE OF THE PARTS

7. What kind of feedback have you had from your customers regarding the "Rip Roarin' Fun-nies™"? THEY LAUGH AT THE SANDWICH, COW & PIG

8. In comparison to the other dog toys your store sells, please rank the sales of the "Rip Roarin' Fun-nies™":

X not selling as well as the other toys
 ___ selling the same as the other toys
 ___ selling better than the other toys

THEY SEEM TO BE TOO EASY TO DESTROY, SO CUSTOMERS PICK OTHERS - ONLY SMALL DOGS GET RIP RARNS.

9. Out of the different "Rip Roarin' Fun-nies™" designs, which is your best seller? ORANGE FUN BALL - JUST ADDED PIG & COW

10. What design/character would you like to see introduced next into the family of "Rip Roarin' Fun-nies™"? CAT OR MAILMAN

11. Any additional thoughts or comments? CUSTOMERS WORRY ABOUT THE SOUND BOX AND SAFETY. SOME CUSTOMERS DON'T BUY BECAUSE THEY

Store: PJS PAWS AND CLAWS

Address: 3320 W. McGRAW #3

SEATTLE, WA 98199

Store Telephone Number: 206 283 7297

Signed: Pete Howell

Title: PRESIDENT

DON'T WANT TO ENCOURAGE DESTRUCTIVE BEHAVIOR.

We REALLY appreciate your input! Thank you so very much!
 Pet Generation, LLC

PLEASE FAX BACK TO 949-425-8756

1280 Biscoe, Suite B9-263 • Newport Beach, CA 92660 • (866) 204-2539 • F (949) 425-8756

Market Survey

"Rip Roarin' Fun-nies™"**Pet Generation**

...the Velcro® attached dog toys, that can be "ripped apart" and put back together!

1. Have you ever seen a "rip apart" dog toy, prior to the "Rip Roarin' Fun-nies™"? NO

2. Do your customers often complain that their dogs destroy or rip apart toys or things they are not supposed to? YES

3. Do you feel that the "Rip Roarin' Fun-nies™" rip-apart toys provide a good outlet for that rip apart "need"? YES

4. Do dogs rip apart the individual pieces, or do they seem appeased, at least temporarily, after removing the Velcro® attachments? DON'T KNOW

5. Do you feel there was a long-felt need for a toy that dogs could be allowed to "rip apart" (and it could then be put back together!)? YES

6. Name the features, if any, that make the "Rip Roarin' Fun-nies™" especially well suited for dogs. "hide-a-treat" option in balls - colors attract buyers

7. What kind of feedback have you had from your customers regarding the "Rip Roarin' Fun-nies™"? LIKE THEM - SALES RETURNED TO BUY MORE

8. In comparison to the other dog toys your store sells, please rank the sales of the "Rip Roarin' Fun-nies™":

☐ not selling as well as the other toys
☒ selling the same as the other toys
☐ selling better than the other toys

9. Out of the different "Rip Roarin' Fun-nies™" designs, which is your best seller? ANIMALS SELL BEST

10. What design/character would you like to see introduced next into the family of "Rip Roarin' Fun-nies™"? MORE ANIMALS

11. Any additional thoughts or comments? _____

Store: Three Dots Bakery

Address: 2136 W. Poplar Ave.
Ste. 116

Store Telephone Number: 901-853-5464

Signed: [Signature]

Title: owner

We REALLY appreciate your input! Thank you so very much!

Pet Generation, LLC

PLEASE FAX BACK TO 949-425-8756

1280 Bison, Suite B9-203 • Newport Beach, CA 92660 • (866) 204-2538 • F (949) 425-8756

Market Survey

"Rip Roarin' Fun-nies™"

Pet Generation



...the Velcro® attached dog toys, that can be "ripped apart" and put back together!

1. Have you ever seen a "rip apart" dog toy, prior to the "Rip Roarin' Fun-nies™"?

NO

2. Do your customers often complain that their dogs destroy or rip apart toys or things they are not supposed to? YES

3. Do you feel that the "Rip Roarin' Fun-nies™" rip-apart toys provide a good outlet for that rip apart "need"? YES

4. Do dogs rip apart the individual pieces, or do they seem appeased, at least temporarily, after removing the Velcro® attachments? YES

5. Do you feel there was a long-felt need for a toy that dogs could be allowed to "rip apart" (and it could then be put back together)? YES

6. Name the features, if any, that make the "Rip Roarin' Fun-nies™" especially well suited for dogs. the fact they can Rip it Apart

7. What kind of feedback have you had from your customers regarding the "Rip Roarin' Fun-nies™"? none yet - they seem to like the concept

8. In comparison to the other dog toys your store sells, please rank the sales of the "Rip Roarin' Fun-nies™":

not selling as well as the other toys Just started selling these
☒ selling the same as the other toys
☐ selling better than the other toys

9. Out of the different "Rip Roarin' Fun-nies™" designs, which is your best seller? Blue moo cow

10. What design/character would you like to see introduced next into the family of "Rip Roarin' Fun-nies™"? DINOSAURS

11. Any additional thoughts or comments? _____

Store: Academy of Canine Behavior

Address: 4705 240th St SE

Bethel WA 98021

Store Telephone Number: 425-486-9567

Signed: Craig Youngberg

Title: G.M.

We REALLY appreciate your input! Thank you so very much!

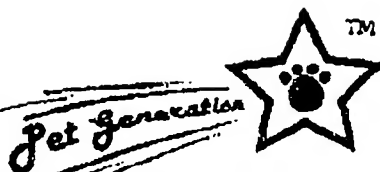
Pet Generation, LLC

PLEASE FAX BACK TO 949-425-8756

1280 Biscuit, Suite B8-263 • Newport Beach, CA 92660 • (866) 204-2539 • F (949) 425-8756

Market Survey

"Rip Roarin' Fun-nies™"



...the Velcro® attached dog toys, that can be "ripped apart" and put back together!

1. Have you ever seen a "rip apart" dog toy, prior to the "Rip Roarin' Fun-nies™"? No

2. Do your customers often complain that their dogs destroy or rip apart toys or things they are not supposed to? Yes

3. Do you feel that the "Rip Roarin' Fun-nies™" rip-apart toys provide a good outlet for that rip apart "need"? Yes

4. Do dogs rip apart the individual pieces, or do they seem appeased, at least temporarily, after removing the Velcro® attachments? Both

5. Do you feel there was a long-felt need for a toy that dogs could be allowed to "rip apart" (and it could then be put back together!)? Yes

6. Name the features, if any, that make the "Rip Roarin' Fun-nies™" especially well suited for dogs. Washable

7. What kind of feedback have you had from your customers regarding the "Rip Roarin' Fun-nies™"? They love 'em

8. In comparison to the other dog toys your store sells, please rank the sales of the "Rip Roarin' Fun-nies™":

☐ not selling as well as the other toys

☒ selling the same as the other toys

☐ selling better than the other toys

9. Out of the different "Rip Roarin' Fun-nies™" designs, which is your best seller? Worm

10. What design/character would you like to see introduced next into the family of "Rip Roarin' Fun-nies™"? Gorilla

11. Any additional thoughts or comments? _____

Store: Doggies In The Window

Address: 1106 E Anaheim
LA CA 90804

Store Telephone Number: 562-294-7065

Signed: [Signature]

Title: Gen. Manager

We REALLY appreciate your input! Thank you so very much!

Pet Generation, LLC

PLEASE FAX BACK TO 949-425-8756

1280 Rison, Suite 89-263 • Newport Beach, CA 92660 • (866) 204-2539 • F (949) 425-8756

Market Survey

Pet Generation



"Rip Roarin' Fun-nies™"
...the Velcro® attached dog toys, that can be "ripped apart" and put back together!

1. Have you ever seen a "rip apart" dog toy, prior to the "Rip Roarin' Fun-nies™"?
NO
2. Do your customers often complain that their dogs destroy or rip apart toys or things they are not supposed to? YES
3. Do you feel that the "Rip Roarin' Fun-nies™" rip-apart toys provide a good outlet for that rip apart "need"? YES
4. Do dogs rip apart the individual pieces, or do they seem appeased, at least temporarily, after removing the Velcro® attachments? YES
5. Do you feel there was a long-felt need for a toy that dogs could be allowed to "rip apart" (and it could then be put back together!)? YES
6. Name the features, if any, that make the "Rip Roarin' Fun-nies™" especially well suited for dogs. NOISE
7. What kind of feedback have you had from your customers regarding the "Rip Roarin' Fun-nies™"? DOGS + OWNERS LIKE THEM
8. In comparison to the other dog toys your store sells, please rank the sales of the "Rip Roarin' Fun-nies™":
☐ not selling as well as the other toys
☒ selling the same as the other toys
☐ selling better than the other toys
9. Out of the different "Rip Roarin' Fun-nies™" designs, which is your best seller? Pig
10. What design/character would you like to see introduced next into the family of "Rip Roarin' Fun-nies™"? SMALLER ONES
11. Any additional thoughts or comments? _____

Store: CRAZY ABOUT PETS
 Address: 2054 E. ORLAND PARK BLVD.
Ft LAUDERDALE

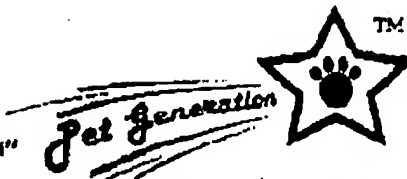
Store Telephone Number: 954 563 1644 FAX 564/488
 Signed: [Signature]
 Title: owner

We REALLY appreciate your input! Thank you so very much!
 Pet Generation, LLC

PLEASE FAX BACK TO 949-425-8756

1280 Bison, Suite B9-263 • Newport Beach, CA 92660 • (800) 204-2539 • F (949) 425-8756

Market Survey

"Rip Roarin' Fun-nies™"

...the Velcro® attached dog toys, that can be "ripped apart" and put back together!

1. Have you ever seen a "rip apart" dog toy, prior to the "Rip Roarin' Fun-nies™"?
NO
2. Do your customers often complain that their dogs destroy or rip apart toys or things they are not supposed to? Yes
3. Do you feel that the "Rip Roarin' Fun-nies™" rip-apart toys provide a good outlet for that rip apart "need"? Yes
4. Do dogs rip apart the individual pieces, or do they seem appeased, at least temporarily, after removing the Velcro® attachments? Temporarily Appeased
5. Do you feel there was a long-felt need for a toy that dogs could be allowed to "rip apart" (and it could then be put back together)? Yes - its Fun !!
6. Name the features, if any, that make the "Rip Roarin' Fun-nies™" especially well suited for dogs. They do not come apart by shaking them - only by pulling them apart.
7. What kind of feedback have you had from your customers regarding the "Rip Roarin' Fun-nies™"? Dogs like them -
8. In comparison to the other dog toys your store sells, please rank the sales of the "Rip Roarin' Fun-nies™":
☒ not selling as well as the other toys (NOT yet)
☐ selling the same as the other toys
☐ selling better than the other toys
9. Out of the different "Rip Roarin' Fun-nies™" designs, which is your best seller? About The Same - so far
10. What design/character would you like to see introduced next into the family of "Rip Roarin' Fun-nies™"? I can't think of one - Sorry
11. Any additional thoughts or comments? Keep up the fun stuff - ☺

Store: Everything Possible Inc.Address: 1415 Liberty ST. NESalem, OR 97303Store Telephone Number: 503-399-0500Signed: Michelle AdamsTitle: President

We REALLY appreciate your input! Thank you so very much!

Pet Generation, LLC

PLEASE FAX BACK TO 949-425-8756

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Market Survey

"Rip Roarin' Fun-nies™"

Pet Generation



...the Velcro® attached dog toys, that can be "ripped apart" and put back together!

1. Have you ever seen a "rip apart" dog toy, prior to the "Rip Roarin' Fun-nies™"? no
2. Do your customers often complain that their dogs destroy or rip apart toys or things they are not supposed to? yes
3. Do you feel that the "Rip Roarin' Fun-nies™" rip-apart toys provide a good outlet for that rip apart "need"? yes, my dog loves them.
4. Do dogs rip apart the individual pieces, or do they seem appeased, at least temporarily, after removing the Velcro® attachments? they seem appeased
5. Do you feel there was a long-felt need for a toy that dogs could be allowed to "rip apart" (and it could then be put back together)? yes, they react
6. Name the features, if any, that make the "Rip Roarin' Fun-nies™" especially well suited for dogs. the velcro sound as well as the rip apart
7. What kind of feedback have you had from your customers regarding the "Rip Roarin' Fun-nies™"? they love them
8. In comparison to the other dog toys you or store sells, please rank the sales of the "Rip Roarin' Fun-nies™":
☐ not selling as well as the other toys
☒ selling the same as the other toys
☐ selling better than the other toys
9. Out of the different "Rip Roarin' Fun-nies™" designs, which is your best seller? they were all good sellers but Pig/ear
10. What design/character would you like to see introduced next into the family of "Rip Roarin' Fun-nies™"? political characters?
11. Any additional thoughts or comments? Please send me a catalog

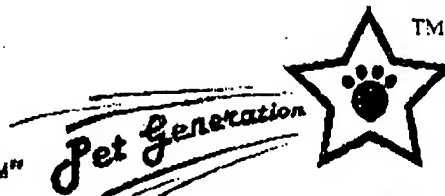
Store: Bark Natural Pet CareAddress: 5339 Ballard Ave NWSeattle WA 98107Store Telephone Number: 206-783-4972Signed: Karen MartinTitle: Karen Martin President/owner

We REALLY appreciate your input! Thank you so very much!
 Pet Generation, LLC

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1250 Bison, Suite B9-283 • Newport Beach, CA 92660 • (866) 804-2539 • P (949) 425-8756

Market Survey

**"Rip Roarin' Fun-nies™"**

...the Velcro® attached dog toys, that can be "ripped apart" and put back together!

1. Have you ever seen a "rip apart" dog toy, prior to the "Rip Roarin' Fun-nies™"?

No

2. Do your customers often complain that their dogs destroy or rip apart toys or things they are not supposed to?

Yes

3. Do you feel that the "Rip Roarin' Fun-nies™" rip-apart toys provide a good outlet for that rip apart "need"?

Yes

4. Do dogs rip apart the individual pieces, or do they seem appeased, at least temporarily, after removing the Velcro® attachments?

Varies (not sure helps)

5. Do you feel there was a long-felt need for a toy that dogs could be allowed to "rip apart" (and it could then be put back together)?

Yes

6. Name the features, if any, that make the "Rip Roarin' Fun-nies™" especially well suited for dogs.

Cute shapes, strong velcro, durable fleece

7. What kind of feedback have you had from your customers regarding the "Rip Roarin' Fun-nies™"?

"fun" "innovative"

8. In comparison to the other dog toys your store sells, please rank the sales of the "Rip Roarin' Fun-nies™":

not selling as well as the other toys requires a little salesmanship
selling the same as the other toys so don't "sell themselves"
selling better than the other toys

9. Out of the different "Rip Roarin' Fun-nies™" designs, which is your best seller?

orange ball & sandpaper

10. What design/character would you like to see introduced next into the family of "Rip Roarin' Fun-nies™"?

different size balls in various colors like caterpillars

11. Any additional thoughts or comments?

if possible make tougher outside by using
slightly stronger fleece on larger toys for tougher dogs

Store: Pro Pet Center

Address: 1610 Manchester

Ballwin MO 63021

Store Telephone Number: 636/391-2299

Signed: R. Thompson

Title: Mgr.

We REALLY appreciate your input! Thank you so very much!
 Pet Generation, LLC

PLEASE FAX BACK TO 949-425-8756

Market Survey

"Rip Roarin' Fun-nies™"

Pet Generation



...the Velcro® attached dog toys, that can be "ripped apart" and put back together!

1. Have you ever seen a "rip apart" dog toy, prior to the "Rip Roarin' Fun-nies™"?
No
2. Do your customers often complain that their dogs destroy or rip apart toys or things they are not supposed to? yes
3. Do you feel that the "Rip Roarin' Fun-nies™" rip-apart toys provide a good outlet for that rip apart "need"? yes
4. Do dogs rip apart the individual pieces, or do they seem appeased, at least temporarily, after removing the Velcro® attachments? both
5. Do you feel there was a long-felt need for a toy that dogs could be allowed to "rip apart" (and it could then be put back together!)? yes
6. Name the features, if any, that make the "Rip Roarin' Fun-nies™" especially well suited for dogs. Don't have strings, plastic eyes etc. Good sounds
7. What kind of feedback have you had from your customers regarding the "Rip Roarin' Fun-nies™"? Customers are amused by them
8. In comparison to the other dog toys your store sells, please rank the sales of the "Rip Roarin' Fun-nies™":
☐ not selling as well as the other toys
☐ selling the same as the other toys
☒ selling better than the other toys
9. Out of the different "Rip Roarin' Fun-nies™" designs, which is your best seller? Pig
10. What design/character would you like to see introduced next into the family of "Rip Roarin' Fun-nies™"? A postman
11. Any additional thoughts or comments? _____

Store: Animal Snackers PetateriaAddress: 320.5 Magazine St.New Orleans LA 70115Store Telephone Number: 504 269-8711Signed: Samuel D. PotterTitle: Asst Manager

We REALLY appreciate your input! Thank you so very much!

Pet Generation, LLC

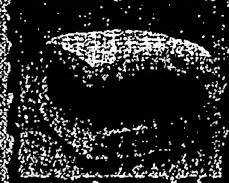
PLEASE FAX BACK TO 949-425-8756

1280 Bison, Suite B9-263 • Newport Beach, CA 92660 • (866) 204-2539 • F (949) 425-8756

Exhibit 8

Give your customers something **NEW!**

FINALLY! A toy your dog can really **rrrip** apart! A **WHOLE NEW CONCEPT IN TOYS!**



Rip Roarin' Fun-nies™



Did you ever think you'd see the day when you would laugh and cheer as your dog excitedly rips the head, arms, and legs off of his brand new toy? Well that day is here! Introducing the "Rip Roarin' Fun-nies," a truly unique, patent pending, fun new type of toy for dogs that have Velcro® attachments to allow a dog to really feel like he is **ripping** the toy apart, and a human companion can simply stick it back together for more fun!

The benefits of this new concept in toys are many!!...

- Fewer needle and thread "surgeries" performed on poor, dismembered toys!
- Less money wasted on expensive toys that ruined when they are ripped to pieces!
- A healthy, wonderful alternative to that new pair of shoes when teaching your dog **not** to tear apart!
- Terrific ripping noise that drives dogs crazy with excitement!
- Treats may be hidden in either of 1 ball designs – more fun!
- Multiple toys in one!
- Squeaks, rattles, and unusual noises!
- Happiness in knowing you are providing a fun **NEW** source of entertainment for your beloved dog!

Finally a toy that pleases and amuses everyone... **Just don't forget to share with your dog!**

Eight great designs now, with more in the works!

Contact us: Pet Generation, LLC, 230 Bristol Drive B9-263, Newport Beach, CA 92660
Toll Free (866) 204-2599 Fax (949) 405-8756 Info@petgeneration.com www.petgeneration.com

Exhibit B

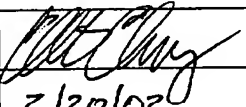
Please type a plus sign (+) inside this box → ☐


PTO/SB/21 (08-00)
Approved for use through 10/31/2002. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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| | | |
|--|------------------------|--------------|
| TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i> | Application Number | 10-154-217 |
| | Filing Date | 5/20/02 |
| | First Named Inventor | THEEL, Julie |
| | Group Art Unit | 3712 |
| | Examiner Name | 5/20/02 |
| Total Number of Pages in This Submission | Attorney Docket Number | |

| ENCLOSURES (check all that apply) | | |
|--|---|--|
| <input checked="" type="checkbox"/> Fee Transmittal Form | <input type="checkbox"/> Assignment Papers (for an Application) | <input type="checkbox"/> After Allowance Communication to Group |
| <input checked="" type="checkbox"/> Fee Attached | <input type="checkbox"/> Drawing(s) | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences |
| <input checked="" type="checkbox"/> Amendment / Reply | <input type="checkbox"/> Licensing-related Papers | <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final | <input type="checkbox"/> Petition | <input type="checkbox"/> Proprietary Information |
| <input type="checkbox"/> Affidavits/declaration(s) | <input type="checkbox"/> Petition to Convert to a Provisional Application | <input type="checkbox"/> Status Letter |
| <input checked="" type="checkbox"/> Extension of Time Request | <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address | <input type="checkbox"/> Other Enclosure(s) (please identify below): |
| <input type="checkbox"/> Express Abandonment Request | <input type="checkbox"/> Terminal Disclaimer | |
| <input type="checkbox"/> Information Disclosure Statement | <input type="checkbox"/> Request for Refund | |
| <input type="checkbox"/> Certified Copy of Priority Document(s) | <input type="checkbox"/> CD, Number of CD(s) _____ | |
| <input type="checkbox"/> Response to Missing Parts/Incomplete Application | Remarks | |
| <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | Affidavit Rule 1.132 | |

| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT | |
|--|---|
| Firm or Individual name | Clement Cheng |
| Signature |  |
| Date | 2/20/02 |

| CERTIFICATE OF MAILING | | |
|--|---|--------------|
| I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: 2/20/02 | | |
| Typed or printed name | Clement Cheng | |
| Signature |  | Date 2/20/02 |

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FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT

(\$)55.00

Complete if Known

Application Number 10/154217

Filing Date 5/20/2002

First Named Inventor Theel, Julie

Examiner Name J. Williams

Group Art Unit 3712

Attorney Docket No. Theel.01

METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☐ Deposit Account:

Deposit Account Number
Deposit Account Name

The Commissioner is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Credit any overpayments

☐ Charge any additional fee(s) during the pendency of this application

☐ Charge fee(s) indicated below, except for the filing fee

to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity | Small Entity

| Fee Code (\$) | Fee Code (\$) | Fee Description | Fee Paid |
|---------------|---------------|------------------------|----------|
| 101 740 | 201 370 | Utility filing fee | |
| 106 330 | 206 165 | Design filing fee | |
| 107 510 | 207 255 | Plant filing fee | |
| 108 740 | 208 370 | Reissue filing fee | |
| 114 160 | 214 80 | Provisional filing fee | |

SUBTOTAL (1) (\$)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

| Total Claims | Extra Claims | Fee from below | Fee Paid |
|--------------------|--------------|----------------|----------|
| Independent | -20** = | X | = |
| Multiple Dependent | -3** = | X | = |

Large Entity | Small Entity

| Fee Code (\$) | Fee Code (\$) | Fee Description |
|---------------|---------------|--|
| 103 18 | 203 9 | Claims in excess of 20 |
| 102 84 | 202 42 | Independent claims in excess of 3 |
| 104 280 | 204 140 | Multiple dependent claim, if not paid |
| 109 84 | 209 42 | ** Reissue independent claims over original patent |
| 110 18 | 210 9 | ** Reissue claims in excess of 20 and over original patent |

SUBTOTAL (2) (\$)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity | Small Entity

| Fee Code (\$) | Fee Code (\$) | Fee Description | Fee Paid |
|---------------|---------------|--|----------|
| 105 130 | 205 65 | Surcharge - late filing fee or oath | |
| 127 50 | 227 25 | Surcharge - late provisional filing fee or cover sheet | |
| 139 130 | 139 130 | Non-English specification | |
| 147 2,520 | 147 2,520 | For filing a request for ex parte reexamination | |
| 112 920* | 112 920* | Requesting publication of SIR prior to Examiner action | |
| 113 1,840* | 113 1,840* | Requesting publication of SIR after Examiner action | |
| 115 110 | 215 55 | Extension for reply within first month | |
| 116 400 | 216 200 | Extension for reply within second month | |
| 117 920 | 217 460 | Extension for reply within third month | |
| 118 1,440 | 218 720 | Extension for reply within fourth month | |
| 128 1,960 | 228 980 | Extension for reply within fifth month | |
| 119 320 | 219 160 | Notice of Appeal | |
| 120 320 | 220 160 | Filing a brief in support of an appeal | |
| 121 280 | 221 140 | Request for oral hearing | |
| 138 1,510 | 138 1,510 | Petition to institute a public use proceeding | |
| 140 110 | 240 55 | Petition to revive - unavoidable | |
| 141 1,280 | 241 640 | Petition to revive - unintentional | |
| 142 1,280 | 242 640 | Utility issue fee (or reissue) | |
| 143 460 | 243 230 | Design issue fee | |
| 144 620 | 244 310 | Plant issue fee | |
| 122 130 | 122 130 | Petitions to the Commissioner | |
| 123 50 | 123 50 | Processing fee under 37 CFR 1.17(q) | |
| 126 180 | 126 180 | Submission of Information Disclosure Stmt | |
| 581 40 | 581 40 | Recording each patent assignment per property (times number of properties) | |
| 146 740 | 246 370 | Filing a submission after final rejection (37 CFR § 1.129(a)) | |
| 149 740 | 249 370 | For each additional invention to be examined (37 CFR § 1.129(b)) | |
| 179 740 | 279 370 | Request for Continued Examination (RCE) | |
| 169 900 | 169 900 | Request for expedited examination of a design application | |

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

SUBMITTED BY

Name (Print/Type) Clement Cheng

Signature

Registration No. (Attorney/Agent)

45463

Complete (if applicable)

Telephone 714-825-0555

Date

2/20/2002

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IN THE UNITED STATES PATENT OFFICE

| | |
|-------------------------------|---|
| APPLICATION OF |) |
| |) |
| THEEL, Julie |) |
| |) |
| SERIAL NUMBER 10-154-217 |) |
| |) |
| FILED: 5/20/02 |) |
| |) |
| TITLE: DISMEMBERABLE CANINE |) |
| APPEASEMENT DEVICE AND METHOD |) |
| _____ |) |

Examiner Jamila Williams whose telephone number is 703-305-3312
Examiner Supervisor, Derris Banks 703-308-1745
703-305-3579 fax for regular communications
703-305-3579 fax for After Final communications

AMENDMENTS AND REPLY TO OFFICE ACTION
(OA Dated 11/20/2002)

IN THE SPECIFICATION

At Line 17, page 4 after the third paragraph ending with "Fig 5. Slack cord can be kept inside a hollow portion of a member 148 such as a tail member." please add the following sentence,

"The cartoon character can also comprise the form of a hamburger having a patty piece, an upper bun piece and a lower bun piece."

IN THE CLAIMS

1. A dismemberable house dog [pet] appeasement and training device to prevent destruction of household articles comprising:

a figure formed from a main member having a fabric exterior and an interface surface, and plurality of secondary members having a fabric exterior and an interface surface, at least one secondary member attached to the main member at an interface surface by an attachment means, the attachment means allowing reattachment between interface surfaces of members,

the main member and secondary members connecting to form a figure [of predetermined shape], the figure capable of being non-destructively dismembered by a house dog [canine], and

capable of reassembly by a user, wherein [whereby a user can repeatedly allow] a house dog [pet such as a canine to] rend apart said members to appease himself [the pet] and simulate destruction of the figure, said members sized to fit into the mouth of a house dog [domestic animal] and adapted for repeated play in the mouth of a domestic animal, wherein appeasement of the house dog prevents destruction of other articles.

7. A dismemberable house dog [pet] appeasement and training device of claim 1 further comprising elastic cord that is disposed between members to automatically restore connection between attachment [connection] means disposed upon interface surfaces, said elastic cord restoring a predetermined configuration of character members.
10. A method of appeasing and training a house dog [domestic animal] to prevent destruction of household articles comprising the steps of: forming a main member having a fabric exterior and at least one main member interface surface; forming a plurality of secondary members having a fabric exterior and at least one secondary member interface surface, said main member interface surface and secondary member interface surface capable of repeated nondestructive disconnection and reconnection via attachment means located on all said main member interface surfaces and secondary member interface surfaces, said at least one secondary member attached to the main member by an attachment means at an interface surface, connecting the main member and secondary members at their interface surfaces to form a plush character not resembling household articles [of predetermined configuration and shape]; allowing a house dog [domestic animal such as a canine] to rend apart said members to simulate destruction of the plush character [figure]; reassembling said plush character [figure] by attaching members using the attachment means at the interface surfaces; repeating the last two steps until appeasement of the house dog [domestic animal is satisfied]; repeating all steps to train the house dog to limit dismembering behavior to the plush character.
12. A method according to claim 10 wherein said attachment means consist of hook and loop tape, said hook portions of tape matedly attachable only to loop portions of tape, said loop portions affixed to said interface surfaces of secondary members [a member] to receive their respective hook portions on said interface surfaces of the main member [another member] to form a connection, said connection configured to allow construction of a plush [predetermined] character.

13. A method according to claim 10 wherein said loop portions are affixed to said interface surfaces of the main member [a member] to receive only their respective hook portions on said interface surfaces of secondary members [another member] to form a connection.

DISCUSSION OF REJECTIONS AND AMENDMENTS

Claim Rejections 35 USC § 112

Claims 6 and 17 were rejected under 35 U.S.C. 112, first paragraph because the "Specification does not appear to provide support for the limitations of the claims (specifically, a hamburger with upper and lower bun and patty member, as claimed)." The applicant has amended the specification to include support for the claims. No new matter has been entered.

Claims 1-20 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Claims 1 and 10, the phrases "a figure of predetermined shape" have been amended to add clarity.

Claim 7, "connection means" is the same as the "attachment means" and is so amended. Claims 12 and 13, the terminology "a member", "another member" and "plurality of secondary members" has been clarified. The ambiguity has been removed. Claims 1 and 10, the phrase "such as" has been removed.

Claim Rejections 35 USC § 103

Claims 1, 2, 10-13 and 16 were rejected under 35 U.S.C. 103(a) as being unpatentable over '917 to Russell et al. The device of Russell is disclosed as being helpful for relieving stress in individuals like human sports fans (column 1 lines 15-20). The applicant acknowledges that the examiner takes the position that an individual or human constitutes a "domestic animal". The present device is designed for use by a domestic animal, which means a housedog. The term "domestic animal" has been clarified by amendment of claim language. Due to Claim amendment, the references no longer creates prima facie obviousness.

Russell is thus distinguishable. The device of Russell does not relate to house dog training. The present invention prevents destruction of other household articles by training a house dog to satisfy destructive dismembering instincts via the present invention. The emphasis of the present invention allows a house dog a particular item, commonly known as an 'allowed item' for dismembering. It is commonly understood that housedogs learn by repetition. Prior to

the present invention, no such device existed in the present form. Because previous house dog training aids and toys lacked a destructive dismembering outlet for a housedog, dogs remained prone to destructive dismembering behavior.

The Discussion of Related Art in the present application presents the problem to be avoided.

“The natural prey instinct in a canine makes it difficult for dogs to refrain from rending ordinary household items such as furniture, plush animals, shoes and carpet. The natural hunting instinct in a canine is curbed during domestication. The resulting frustration leads to unhealthy fits of destruction.”

Russell teaches the use of a dismemberable figure for human entertainment related spectator sports. The device of Russell thus teaches away from use of a dismemberable figure for dog behavior modification. Although the devices share certain structural similarities, they are used for and designed for different purposes.

Long Felt Need

Is there a long felt need to provide dog plush that can be ripped apart and put back together? The Purina Encyclopedia of Dog Care by Amy Shojai attached as Exhibit A, shows the problem of dog damage, but does not suggest providing a dog plush that can be ripped apart and put back together. The Purina Encyclopedia of Dog Care by Amy Shojai suggests various chew toys such as rawhide and tennis balls.

As any house dog owner knows, even well trained dogs have a tendency to rip apart household articles. This is because dogs have an instinct and oral fixation regarding household articles, yet humans do not chew and rip at their shoes and furniture when frustrated.

Has there been a long felt need in the pet toy industry for the product? Carmen Laurin, a prospective customer, stated in an email on 12/9/2002 “Your toys are truly unique -- haven't come across any like and then the in my ongoing extensive research.”

To determine the status of the art regarding dog toys, the applicant sent out a market survey to her customers in early February 2003. So far, 13 responses have been received.

1. For the question, “Have you ever seen a “rip apart” dog toy, prior to the “Rip Roarin Fun-nies” ?”

All 13 respondents said “NO”

2. For the question, "Do your customers often complain that their dogs destroy or rip apart toys or things they are not supposed to?"

All 13 respondents said "YES"

3. For the question, "Do you feel that the "Rip-Roar-in Fun-nies" rip apart toys provide a good outlet for that rip apart need?"

All 13 Respondents said "YES"

4. For the question, "Do dogs rip apart the individual pieces or do they seem appeased, at least temporarily, after removing the Velcro attachments?"

Several different responses were generated:

3 Respondents were unsure, 3 stated that some dogs do, some do not, 5 stated that the dogs are at least temporarily appeased. 2 stated that dogs still ripped apart individual pieces.

5. For the question, "Do you feel that there was a long-felt need for a toy that dogs could be allowed to "rip apart" (and it could then be put back together!)"

1 Respondent Said No, 11 Respondents said yes, and 1 Respondent was unsure

Licensing

The applicant has been approached for a license by large vendors such as PETCO (petco.com), Aspen Pet Products (www.aspenpet.com), and Vo Toys (vo-toys.com). The applicant has been discussing licensing agreements with the vendors.

Discussion of Dependent Claims

Claim 3 and 14 were rejected under 35 U.S.C. 103(a) as being unpatentable over '917 to Russell in view of '461 to Fujikawa. In light of the claim amendment to independent claim 1 and 10, applicant suggests that claims 3 and 14 are allowable. The references do not create prima facie obviousness. The snake figure in both '917 to Russell and '461 to Fujikawa do not relate to house dog toys and training aids for house dogs. None of the references cited discussed the central problem of modifying house dog behavior.

Claim 4 and 15 were rejected under 35 U.S.C. 103(a) as being unpatentable over '917 to Russell et al in view of '384 to Billis. Again, in light of the claim amendment to independent claim 1 and 10, applicant suggests that claims 4 and 15 are allowable. The references do not

create prima facie obviousness. The ball figure in both '917 to Russell and '384 to Billis do not relate to house dog toys and training aids. None of the references cited discussed the central problem of modifying house dog behavior.

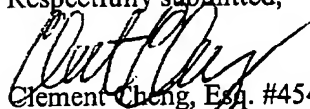
Claim 6 and 17 were rejected under 35 U.S.C. 103(a) as being unpatentable over '917 to Russell et al in view of '141 to Nakai. Russell in view of Nakai does not create prima facie obviousness. In light of the claim amendment to independent claim 1 and 10, applicant suggests that claims 6 and 17 are allowable. The sandwich figure in both '917 to Russell and '141 to Nakai do not relate to house dog toys and training aids. Nakai provides a training aid for teaching children about cutting fruits and vegetables. Nakai provides a rigid device as opposed to a plush toy. Nakai requires use an implement requiring thumbs that are lacking in house dogs. None of the references cited discussed the central problem of modifying house dog behavior.

Claims 7 and 8, 18 and 20 were rejected under 35 U.S.C. 103(a) as being unpatentable over '917 to Russell et al in view of '100 to Essebagggers et al and further in view of '072 to Dreyer. Russell in view of Essebagggers does not create prima facie obviousness. Again, in light of the claim amendment to independent claim 1 and 10, applicant suggests that claims 7 and 8, 18 and 20 are allowable. Because the references cited do not relate to house dog toys and training aids, applicant suggests that there is no motivation to combine the references. None of the references cited discussed the central problem of modifying house dog behavior.

Claims 8 and 19 were rejected under 35 U.S.C. 103(a) as being unpatentable over '917 to Russell et al in view of '100 to Essebagggers et al and further in view of '216 to Chianese. Russell et al in view of Essebagggers and further in view of Chianese does not create prima facie obviousness. Chianese does not relate to dog toys. Essebagggers does not relate to dog toys. Russell does not relate to dog toys. Because the references cited do not relate to house dog toys and training aids, applicant suggests that there is no motivation to combine the references. None of the references cited discussed the central problem of modifying house dog behavior.

Please feel free to contact the undersigned attorney should you have any questions or comments regarding the office action reply. Thank you for your time and attention in this matter.

Respectfully submitted,



Clement Cheng, Esq. #45463

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714-825-0555 phone; 714-825-0558 fax

CLEAN COPY OF THE CLAIMS

1. (Once amended) A dismemberable house dog appeasement and training device to prevent destruction of household articles comprising:
a figure formed from a main member having a fabric exterior and an interface surface, and plurality of secondary members having a fabric exterior and an interface surface, at least one secondary member attached to the main member at an interface surface by an attachment means, the attachment means allowing reattachment between interface surfaces of members,
the main member and secondary members connecting to form a figure, the figure capable of being non-destructively dismembered by a house dog, and capable of reassembly by a user, wherein a house dog rends apart said members to appease himself and simulate destruction of the figure, said members sized to fit into the mouth of a house dog and adapted for repeated play in the mouth of a domestic animal, wherein appeasement of the house dog prevents destruction of other articles.
8. (Once amended) A dismemberable house dog appeasement and training device of claim 1 further comprising elastic cord that is disposed between members to automatically restore connection between attachment means disposed upon interface surfaces, said elastic cord restoring a predetermined configuration of character members.
11. (Once amended) A method of appeasing and training a house dog to prevent destruction of household articles comprising the steps of: forming a main member having a fabric exterior and at least one main member interface surface; forming a plurality of secondary members having a fabric exterior and at least one secondary member interface surface, said main member interface surface and secondary member interface surface capable of repeated nondestructive disconnection and reconnection via attachment means located on all said main member interface surfaces and secondary member interface surfaces, said at least one secondary member attached to the main member by an attachment means at an interface surface, connecting the main member and secondary members at their interface surfaces to form a plush character not resembling household articles; allowing a house dog to rend apart said members to simulate destruction of the plush character; reassembling said plush character by attaching members using the attachment means at

the interface surfaces; repeating the last two steps until appeasement of the house dog; repeating all steps to train the house dog to limit dismembering behavior to the plush character.

14. (Once amended) A method according to claim 10 wherein said attachment means consist of hook and loop tape, said hook portions of tape matedly attachable only to loop portions of tape, said loop portions affixed to said interface surfaces of secondary members to receive their respective hook portions on said interface surfaces of the main member to form a connection, said connection configured to allow construction of a plush character.
15. (Once amended) A method according to claim 10 wherein said loop portions are affixed to said interface surfaces of the main member to receive only their respective hook portions on said interface surfaces of secondary members to form a connection.

CLEAN COPY OF THE SPECIFICATION

A monkey or other cartoon animal, as seen in the third embodiment, can be connected by a plurality of cords traveling through a main section and attaching to a tail member. A user can pull the tail member and reassemble the cartoon animal with ease. The user then connects the tail member to the cartoon animal. Fig 5. Slack cord can be kept inside a hollow portion of a member 148 such as a tail member. The cartoon character can also comprise the form of a hamburger having a patty piece, an upper bun piece and a lower bun piece.

Analogously, any other appendage can be used as the terminal point of a plurality of cords. Because cords are connected to each appendage and travel through a hollow portion of the main section, the cords can be adjusted so that all cords allow the same length of travel. This assists a user in reassembly of the device.

IN THE UNITED STATES PATENT OFFICE

APPLICATION OF

THEEL, Julie

SERIAL NUMBER 10-154-217

FILED: 5/20/02

TITLE: DISMEMBERABLE CANINE
APPEASEMENT DEVICE AND METHOD

AFFIDAVIT UNDER RULE 1.132

STATE OF Calif.

COUNTY OF Orange

ss

My name is Julie Theel, I am making this declaration and affidavit. I being duly sworn, do hereby depose and say as follows:

I offer a brief background on why I invented the "rip apart" dog toys in the first place, to also hopefully shed light on why I think I should be granted a patent. I have had many house dogs for over 30 years. I now have three beloved dogs, ranging from 15 pounds to 95 pounds. All three dogs derive great enjoyment out of playing with plush toys -- the only problem is, after several days of play (sometimes only hours!), the toys are often ripped to shreds, reduced to "mere carcasses," with my delighted dogs sitting in a messy sea of stuffing. For years I have simply surrendered to their rip apart desires, and have spent countless dollars in weekly new toy purchases (not to mention hours of "stuffing clean up"!). I figured that it is better that toys are ripped apart, rather than my shoes and furniture, which are the next sorry victims if my zealous dogs are not provided alternative outlets.

It was after years of commiserating with fellow dog owners over the problem of ripped apart, and thus destroyed, toys, that I came up with the idea for a toy that dogs could truly "rip apart" -- or atleast feel as if they are "ripping apart" -- without actually destroying the toy! And Velcro® attachments were the answer. So I created some prototypes, found a manufacturer, and took them to market.

The response has been overwhelming. Never before has such a toy been created specifically for dogs (as evidenced by an extensive patent search, as well as by the testimony of many long-time industry players and store owners in the attached Market Survey), and upon introduction first in Anaheim, CA, at the "Superzoo Dog Industry Show" (July, 2002), followed by the biggest show, H.H. Backer Dog Industry Show" in Chicago (October 2002), I was immediately approached for licensing by the two biggest dog toy manufacturers, who both expressed the desire to have the rights to "roll" these toys out as their latest and greatest new dog toy (if I am

not granted a patent, both companies will immediately go forward and mass produce “rip apart toys,” effectively putting me out of business since I could unfortunately at this time not be able to compete with their size and abilities).

Additional testimony to the favorable response to my idea is that I recently entered into an agreement with Petco, the largest chain of dog supply stores (certainly experts in the dog business!), to merchandise the toys in their new boutique concept stores, where they claim they are only placing “new and unique items.”

It is because of this overwhelming response, along with the licensing requests (which depend on the acceptance of a patent), and the fact that I truly believe it is evidenced that there was a long-felt need for a “rip apart” dog toy, a toy with a different use from any “rip apart” toy made for humans-- a toy made specifically for dogs, that solves the problem of destroyed toys and other items (born out of a chewing, ripping need common to all dogs) -- that I am hoping to be granted protection of my idea.

1. Dogs have a chewing need that can turn destructive if not given a proper outlet.
 - “Canine chewing is normal, natural behavior for dogs and cannot –should not–be eliminated. It is up to owners to provide their pets with appropriate and safe chewing outlets to satisfy these doggy cravings” (–Amy D. Shojan, The Purina Encyclopedia of Dog Care, pg.109)
 - “...destructive behavior has no age limits...they are not being spiteful or trying to punish you ...they’re just finding the most convenient outlet for their emotions.” (-Vet on Call, pg.142)
 - “One reason dogs chew when they’re upset is because that’s their way of relieving tension, and also of passing the time. One of the best ways to stop a destructive dog who enjoys chewing is to give him acceptable alternatives” (-Steven Appelbaum, animal behaviorist, Vet on Call, pg. 143)
 - “Dogs don’t show emotion the way people do...they experience the same feelings, such as anxiety, frustration, and boredom. They can’t tell you when they’re upset, but they can show you – sometimes with destructive behavior.” (-Vet on Call, pg. 142)
 - “While dogs often use destructive behavior as a way of defusing stress, they also do it simply because they have more energy than they know what to do with” (-Vet on Call, pg.142)
 - “...unlike people, dogs don’t outgrow the habit of mouthing and gnawing.” (-Amy D. Shojan, The Purina Encyclopedia of Dog Care, pg. 108)
2. There is a long-felt need for proper outlets for this instinctual chewing need.
 - Note: See Market Survey: The market survey attests to a long-felt need for a proper “ripping outlet”
 - My own experiences as a dog owner, and the many, irreparably ripped apart dog toys
 - Feedback from the “dog community” at Dog Industry Shows (Superzoo, Anaheim, CA, July 2002, and H.H. Backer, Chicago, October, 2002)
 - My retailers’ testimony that the most common complaint among dog owners is a ripping apart/destruction of household items
3. A “rip apart” dog toy provides a proper outlet for this chewing need.

- Note: See Market Survey: Dogs seem to be appeased after ripping the main parts apart
 - My own experience: My dogs no longer irreparably destroy their toys, but rather seem delighted after ripping heads, arms and legs off, and I can then simply stick the toy back together.
4. A “rip apart” toy has never been created, marketed, or patented specifically for dogs before
- Patent search evidences this
 - Note: See Market Survey: Store owners and managers, most of whom have been in the business many years and could be considered experts by way of experience, testify that they have never seen a “rip apart” dog toy before
 - Petco, the largest chain of dog supply stores, is placing the toys in their new “boutique” sections of their stores where they are merchandising only new and unique items
5. Although “rip apart” toys exist for humans, these toys were patented for a totally different use than the use we would like to patent for “rip apart” dog toys.
- “Rip apart” dog toys:
 - meant to ripped apart with the teeth
 - meant to provide an outlet for appeasement of the instinctual, inherent chewing, rip-apart-with-the-teeth need, which is exclusive to dogs (humans don’t normally rip their shoes or furniture apart with their teeth to alleviate frustration, boredom, or stress)
 - dogs can’t comprehend stress after a “bad call” in a ball game and so do not use the toys for this release
 - dogs don’t rip apart the toys for any educational means, or so that they can enjoy putting them back together as an end use
 - “Rip apart” human toys:
 - often meant to be taken apart so that they can be put back together as an end use
 - often meant to be educational
 - can be used to release stress humans might feel after a “bad call” in a ball game
 - not meant to alleviate a prey or chewing instinct
 - Humans don’t have a long-felt need for a toy that will help humans eliminate destructive chewing, or any oral behavior toward shoes, clothes, or furniture, however dogs do need such a toy to provide this outlet, and “rip apart” toys made for dogs provide this outlet
6. Toys that are created specifically for dogs, differ from toys that are made for humans
- Size: with special consideration for the largest sized dogs’ mouths, i.e. no small parts, tennis ball sized or larger, so as not to be swallowed
 - Shape: with special consideration for what would entice dogs, usually animal shapes to simulate prey, or balls to encourage chasing
 - Color: animal behaviorists claim pink and orange are most enticing to dogs
 - Sound: voice boxes to simulate animal/prey sounds are especially desirable to dogs, as well as rattles and squeakers

- Safety: no plastic eyes, embroidered facial features are best, no toxic materials, must be washable, no removable metal pieces
 - Velcro® that is strong enough to give dogs enough resistance to simulate “destruction” but soft enough to avoid abrasion of the gums
 - Proper warnings on hang tags for dogs
7. “Rip apart” dog toys are non-obvious...they are new, unique, answer a problem, and upon introduction are suddenly in great demand
- The two top competing dog toy companies have each approached me with requests to enter into a licensing agreement for the “rip apart” dog toys IF a patent is granted (without a patent they will go forward without my consent or control, “We have a keen interest in your concept...”Mr.Gary Hirschberg, president, Vo-Toys, in an email to me, attached).
 - The largest chain of dog supply stores, Petco, will be merchandising the toys in their new high-end concept stores which only feature, according to buyer for Petco, Ms. Joanna Rudalevige, the most new and unique items.

I also prepared a Marketing Survey that was sent to about 70 pet shop owners who sell dog supplies, but did not follow up with them yet. So far the results of Pet Generation Marketing Survey have been.

1. For the Question, “Have you ever seen a “rip apart” dog toy, prior to the “Rip Roarin Fun-nies” ?”

All 13 respondents said “NO”

2. For the Question, “Do your customers often complain that their dogs destroy or rip apart toys or things they are not supposed to?”

All 13 respondents said “YES”

3. For the question, “Do you feel that the “Rip-Roarin Fun-nies” rip apart toys provide a good outlet for that rip apart need?”

All 13 Respondents said “YES”

4. For the question, “Do dogs rip apart the individual pieces or do they seem appeased, at least temporarily, after removing the Velcro attachments?”

Several different responses were generated:

3 Respondents were unsure, 3 Stated that Some dogs do, Some do not, 5 stated that the dogs are at least temporarily appeased. 2 stated that Dogs still ripped apart individual pieces.

5. For the Question, “Do you feel that there was a long-felt need for a toy that dogs could be allowed to “rip apart” (and it could then be put back together!)

1 Respondent Said No, 11 Respondents said yes, and 1 Respondent was unsure

6. For the Question asking for the “features that make the Rip Roarin’ Fun-nies especially well suited for dogs.

Respondents answered with, "Cute," Soft, Velcro, Fun, Noise Maker, Size, Velcro attachments, Small size of the Parts, Only come apart by pulling apart, Hide a Treat Option, Sound of the Velcro, Fact they can rip it apart, Washable, Noise, Cute Shapes, strong Velcro, quality fleece, Velcro Sound.
The most common response referred to attributes of the Velcro.

7. For the Question, "What kind of feedback had you had from your customers regarding the "Rip Roarin Fun-nies"

12 Respondents reported that they received Postive Feedback

1 Respondent reported that they received negative Feedback due to Opening of Back Seam.

8. For the Question, "In comparison to the other dog toys your store sells, please rank the sale: of the Rip Roarin Fun-nies"

4 Respondents reported that they are not selling as well as other toys

7 Respondents reported that they are Selling the same as the other toys

2 Respondents reported that they were selling better than the other toys

I testify that the above is true and accurate to the best of my knowledge.

Julie Theel
Julie Theel

2-20-2003
Date

Results of Pet Generation Marketing Survey

1. For the Question, "Have you ever seen a "rip apart" dog toy, prior to the "Rip Roarin Fun-nies"?"

All 13 respondents said "NO"

2. For the Question, "Do your customers often complain that their dogs destroy or rip apart toys or things they are not supposed to?"

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Exhibit A - Amendment and Reply to Office Action

Exhibit B - Affidavit

Exhibit C - Results of Pet Generation Marketing Survey

Exhibit D - Article from "The Purina Encyclopedia
of Dog Care"

Exhibit E - Article from "Vet on Call"

Exhibit F - Letter of Intent for Licensing Agreement
Proposed by Aspen Pet Products

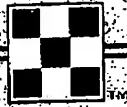
Exhibit G - Email from Gary Hirschberg, President
of Vo-Toys, proposing licensing
agreement

Exhibit H - Email with testimony regarding
uniqueness of my idea from Carmin Laurin

Exhibit I - Initial email from Joanna Rudalevige, ^{Pet Perspective}
expressing interest in my toys, which led
merchandising agreement for their "boutique
sections in the Petco stores, for new and
unique items

Exhibit J - Market Surveys

Exhibit K - Company brochure

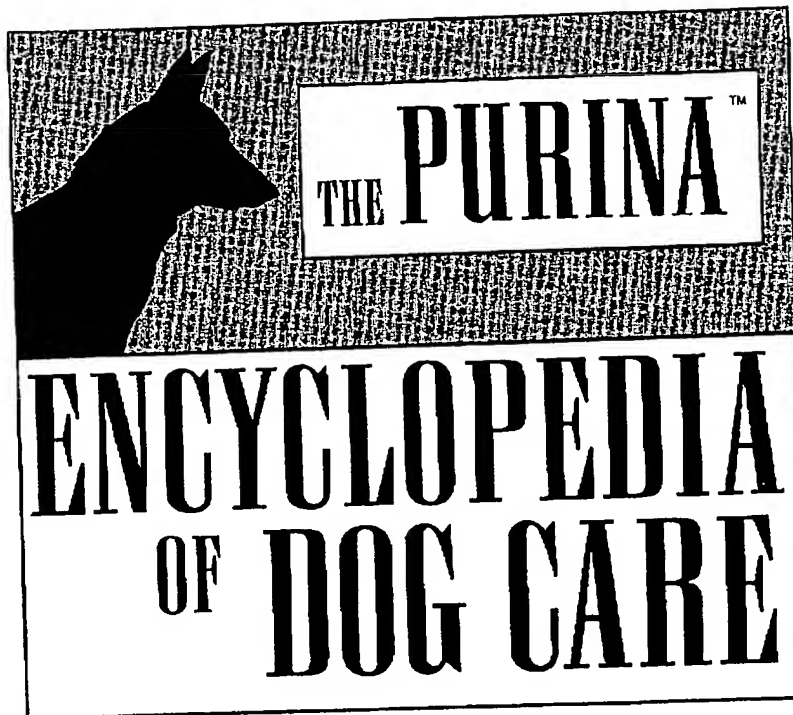


THE PURINATM ENCYCLOPEDIA OF DOG CARE

A COMPLETE A-TO-Z GUIDE, FROM
CANINE CARE AND PERSONALITY
TRAITS TO BREED CHARACTERISTICS!



AMY D. SHOJAI
FOREWORD BY BRIAN KILCOMMONS



THE PURINATM

ENCYCLOPEDIA OF DOG CARE

AMY D. SHOJAI

Ballantine Books · New York

A Ballantine Book
Published by The Ballantine Publishing Group

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LIBRARY OF CONGRESS CATALOGING-IN-PUBLICATION DATA
Shojai, Amy, 1956-

The Purina encyclopedia of dog care / Amy D. Shojai.—1st ed.
p. cm.

Includes index.

ISBN 0-345-41286-9 (hc : alk. paper)

1. Dogs—Encyclopedias. 2. Dogs—Diseases—Encyclopedias.
3. Dogs—Health—Encyclopedias. I. Ralston Purina Company.
II. Title.

SF422.S55 1999

636.7'0893—dc21

99-10800

Text design by Holly Johnson

Cover design by Min Choi
Cover photo © Ron Kimball Studios

Manufactured in the United States of America

First Edition: June 1999

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Chewing

Just like human babies, puppies put things in their mouths as a way to explore their world. Particularly when teething, young dogs chew objects to relieve the discomfort. But unlike people, dogs don't outgrow the habit of mouthing and gnawing.

Your dog doesn't have hands and instead uses her mouth. Canines are mouth-oriented creatures with an incredible ability to control the intensity

Dogs love to chew
(Photo credit: Amy D.
Shojai)



Chewing can wear
or break teeth
(Photo credit: Ralston
Purina Company)





Chewing sticks can cause problems (Photo credit: Betsy Stowe)

their bite. Modern pet dogs use their powerful teeth and jaws to pick up and carry things, to eat, for defense, and for recreational chewing. Gnawing objects simply feels good to dogs.

This oral fixation tends to get dogs into trouble, however, because they aren't always particular about the objects they target. Canine chewing not only can damage your property, but can injure the dog when teeth are broken or an object is swallowed (see SWALLOWED OBJECTS and PERIODONTAL DISEASE).

Items that carry their beloved owner's scent—like leather shoes—are often targeted, but nothing is sacred. Dogs who are bored and have nothing else to do tend to be problem chewers.

Chewing is normal, natural behavior for dogs and cannot—should not—be eliminated. It is up to owners to provide their pets with appropriate and safe chewing outlets to satisfy these doggy cravings.

Avoid offering objects that may confuse your dog. If she's not to chew your new shoes, don't offer the old ones; dogs may not be able to tell the difference. Choose instead a dog toy sold in grocery or pet stores. The key to solving problems is to reduce your dog's opportunities to make mistakes. Don't leave tempting items scattered about the house, and confine your dog to a "safe" zone when you aren't there to supervise her activity. When you catch

her chewing a forbidden object, tell her "no" and take it away (or remove her from the table leg), and provide her with an allowed alternative. A product like Bitter Apple applied to dangerous objects, like electrical cords, will help train your dog to leave forbidden items alone.

Never offer your dog bones to chew on. Raw bones are unsanitary, and both raw and cooked bones can splinter under the dog's assault. Swallowed fragments could cause lethal internal trauma by puncturing or blocking the gastrointestinal tract.

A number of commercial chew objects are available, including a variety of flavored rawhide toys. Rawhide is fine in moderation, but large dogs tend not only to chew, but to eat the things. In excess, rawhide can interfere with sound nutrition when your dog eats these treats instead of her food. They can also cause CONSTIPATION and sometimes blockage if large enough pieces are swallowed.

Commercial hard rubber chew objects are available in sizes and even chicken and liver flavors to suit nearly every dog. The Nylabone and Gumbone products are excellent, offering a nearly indestructible source of chewing delight.

Cheyletiellosis

Also called *Cheyletiella* dermatitis, this condition in dogs is usually caused by a mite called *Cheyletiella yasguri*. The mite lives on the surface of the dog's skin and causes a contagious disorder that tends to be limited to scaling and crusting of the skin. Typically, the dog's fur looks filled with dandruff. The skin may be itchy or not, and occasionally the lymph nodes will also swell. Some dogs may harbor the mite without showing any signs, yet spread the disease. Any

| CHEYLETIELLOSIS | |
|-----------------|--|
| SYMPTOMS | Scaling, crusting, and dandruff on the skin, often on the head and neck. |
| DIAGNOSIS | Microscopic examination of skin scrapings. |
| TREATMENT | Antemite treatment with ivermectin or milbemycin. |
| PREVENTION | Regular grooming and use of antemite products. |



Vet On Call

The Best Home Remedies
for Keeping Your Dog Healthy

From the Editors of

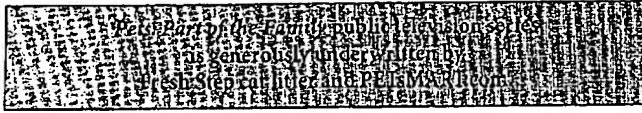


Edited by Matthew Hoffman

Veterinary consultant: Christine L. Wilford, D.V.M., is a veterinarian
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columnist for *American Kennel Club Gazette*.



Rodale Press, Inc.
Emmaus, Pennsylvania



Notice

This book is intended as a reference volume only, not as a medical manual. The information given here is designed to help you make informed decisions about your pet's health. It is not intended as a substitute for any treatment that may have been prescribed by your veterinarian. If you suspect that your pet has a medical problem, we urge you to seek competent medical help.

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Printed in the United States of America on acid-free ♻, recycled paper ♻

Library of Congress Cataloging-in-Publication Data

Vet on call : the best home remedies for keeping your dog healthy / edited
by Matthew Hoffman.

p. cm. — (Dog care companions)

Includes index.

ISBN 1-57954-225-5 hardcover

1. Dogs—Diseases—Treatment. 2. Dogs—Health. 3. Dogs—Behavior.

I. Hoffman, Matthew. II. Series.

SF991.V424 1999

636.7'089—dc21

98-31657

ISBN 1-57954-181-X paperback

Distributed to the book trade by St. Martin's Press

2 4 6 8 10 9 7 5 3 1 hardcover

2 4 6 8 10 9 7 5 3 1 paperback

OUR PURPOSE

To explore, celebrate, and stand in awe
before the special relationship between us
and the animals who share our lives.

Pets
part of the family

Destructiveness

Many dogs, from the most refined poodle to the heartiest mutt, seem to have a secret side. When you're home your dog is always on his best behavior. But when you leave for work or go to bed, his personality changes and he shows his dark side—as you later discover when you find your tattered shirt, chewed shoes, and dug-up plants.

It's normal for puppies to chew, so your first task, after buying a food bowl, a tiny collar, and a chew toy, is to get your possessions off the floor and out of jaw-range. But destructive behavior has no age limits. Some older dogs, after years of good behavior, suddenly seem to forget their lessons and go on a rampage. They're not being spiteful or trying to punish you for leaving them at home all day. They're just finding the most convenient outlet for their emotions.

Don't Leave Me

Dogs don't show their emotions the way people do, so we sometimes forget that they experience many of the same feelings, such as anxiety, frustration, and boredom. They can't tell you when they're upset, but they can show you—sometimes with destructive behavior.

It's not a coincidence that dogs are usually at their most destructive when they're left alone, says Daniela Ortner, an animal behaviorist in Los Angeles, California. Until humans came on the scene, dogs always lived in packs, and they don't like spending time alone. In your dog's eyes, you're part of his pack, and when you leave the house, he may feel abandoned. As his anxiety mounts he may experience the canine equivalent of temporary insanity and begin annihilating everything within reach. It's his way of working out bad feelings. For more information on separation anxiety see pages 158 to 159.

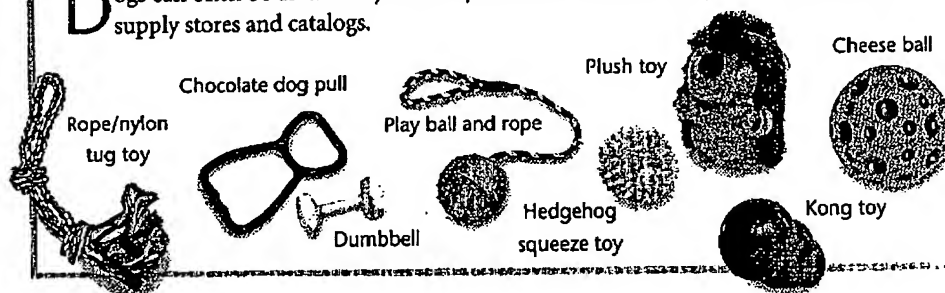
Unless you spend your days at home, there's no easy way to monitor your dog's goings-on. It takes time and patience, but there are ways to help him cope with being on his own.

Enroll your dog in doggie day care. The extra attention will make him less anxious—and less destructive.



CHEW TOYS

Dogs can often be diverted by chew toys. There is a wide variety available from pet supply stores and catalogs.



Find him a job. Dogs who are confident and secure are much less likely to become destructive when they're alone. A great way to boost your dog's ego is to give him something to do—anything from canine sports like flyball to visiting hospitals or nursing homes. Also, active dogs are tired dogs, so they're more likely to sleep than look for trouble when you're gone, says Patricia McConnell, Ph.D., a certified animal behaviorist in Black Earth, Wisconsin.

Dogs need special training for therapy-dog work. That's not a bad thing, because many dogs enjoy obedience training, and especially the praise that comes from doing a good job.

Keep his jaws busy. One reason dogs chew when they're upset is because that's their way of relieving tension, and also of passing the time. One of the best ways to stop a destructive dog who enjoys chewing is to give him acceptable alternatives, like chew toys or tennis balls, says Steven Appelbaum, an animal behaviorist in Northridge, California. A good choice is the Kong toy, says Dr. McConnell. Made of stout

rubber with a hollow cavity inside, these are designed to hold small amounts of food, like cheese or a spoonful of peanut butter. Dogs can happily spend hours just trying to get the food out of the hole.

When choosing chew toys, avoid discarded socks or shoes. Your dog can't tell the difference between old, rejected slippers and brand-new pumps. If you let him think one shoe is acceptable, he'll conclude that all shoes are fair game.

Use a deterrent. Some dogs have a favorite object—anything from a piano leg to the corner of a door frame—and will keep returning to chew the life out of it. Spraying the object with something that tastes or smells bad, such as Bitter Apple or citronella, available in pet supply stores, will help keep them away.

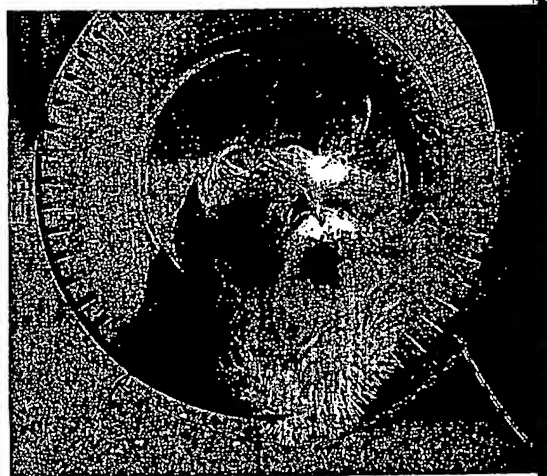
Another approach is to booby-trap the things your dog chews—for example, by putting coins in an empty soda can and tying it to the object of his desire. When he grabs it, the noise will startle him and he may think twice about chewing it next time.



Give him his own space. Dogs naturally gravitate to small, enclosed, den-like spaces, especially when they're anxious. In fact, many dogs feel insecure when they have the run of the house—they don't know what to do with all that space. Try confining your dog in a small room or gradually get him used to being crated when you're not home. This can make him feel much safer and more secure, so he's less likely to run amok.

Sabotage his digging. Some dogs get destructive in the house; others love tearing up the yard. It's extremely hard to discourage a dog that digs digging, but you can make it harder for him by burying lava rock in the area, since he won't like the way it feels when he hits it, says Appelbaum. Or try cutting his nails so that digging feels uncomfortable—but don't cut them so short that you damage the sensitive quick.

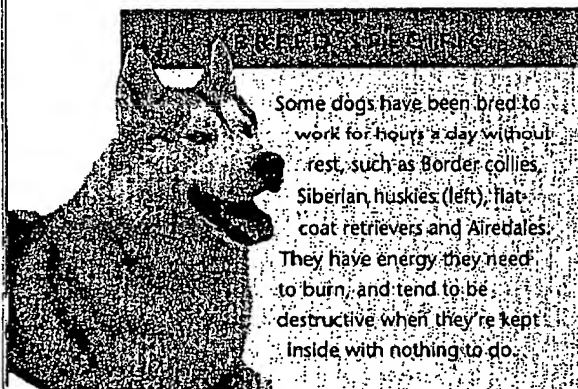
Drop by occasionally. If you're lucky enough to live close to work, you can always drop by at lunchtime. When you visit your dog during the day, his isolation is interrupted, and



This bearded collie is burning tremendous amounts of energy. The more he plays and exercises the less likely he is to be distressed and destructive.

he'll be less likely to be anxious when you're gone. When you're not able to get away from work, you might want to arrange with a neighbor or a professional dog sitter to drop by your home during the day. Giving your dog someone to play with, even if it's only for a few minutes, will help keep him entertained while taking his mind off your belongings, says Ortner.

Wear him out. While dogs often use destructive behavior as a way of defusing stress, they also do it simply because they have more energy than they know what to do with. A good solution is to give him a lot of exercise just before you leave in the morning and again when you get home at night, says Dr. McConnell. A dog who's used up all his energy is much less likely to be destructive.



BORDER COLLIE
Some dogs have been bred to work for hours a day without rest, such as Border collies, Siberian huskies (left), flat-coat retrievers and Airedales. They have energy they need to burn, and tend to be destructive when they're kept inside with nothing to do.

ASPEN PET®

FACSIMILE TRANSMITTAL SHEET

| | | | |
|---------------|-------------------|-------------------------------------|-----------------------------------|
| TO: | Julie Theel | FROM: | Kelsey Baker, Executive Assistant |
| COMPANY: | Pet Generation | DATE: | 11/11/2002 |
| FAX NUMBER: | 949.425.8756 | TOTAL NO. OF PAGES INCLUDING COVER: | 4 |
| PHONE NUMBER: | | SENDER'S PHONE NUMBER: | 303.375.1001 |
| RE: | License Agreement | SENDER'S FAX NUMBER: | 303.375.1254 |

☐ URGENT ☒ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ PLEASE RECYCLE

From Robert Kirch ...

Aspen Pet Products, Inc.
4735 N. Florence Street
Denver, CO 80238

November 11, 2002

Julie Theel, President
Pet Generation
1280 Bison
Suite: B9-263
Newport Beach, CA 92660

Re: "Rip Roarin' Fun-nies"

Dear Julie:

On the basis of our telephone conversation, we are pleased to advise you that Aspen Pet Products, Inc. ("Aspen") is interested in entering into a definitive Exclusive License Agreement (the "Agreement") with Pet Generation ("Inventor") with respect to the Rip Roarin' Fun-nies (the "Product"). We understand that the Product could potentially be the subject of a utility patent in the US, which has been filed by the inventor. This letter of interest sets forth the key terms of our proposal for an Agreement, as follows:

1. Terms of Agreement. The principal terms of the Agreement will be as follows:

- a. Inventor will grant to Aspen the exclusive right to manufacture, distribute and sell the Product worldwide. Aspen will have full rights to copyrights and trademarks related to the Product.
- b. Inventor will receive a 5% royalty on net sales of the Product, payable within 45 days of the close of each calendar quarter, along with a report of sales by SKU. This royalty structure is based on issuance of a broad patent protection to repel direct competition.
- c. The term of the Agreement will be for the marketable life of the Product.

-2-

2. Access to Information. Immediately following acceptance of this letter, Inventor will provide Aspen and its representatives access to all design concepts, prototypes, samples, patent applications, patent searches and registrations (if applicable), and other information of Inventor relating to the design of the Product to enable Aspen to complete its investigation of its marketability. Any proprietary or confidential information of Inventor disclosed to Aspen in the course of its investigation will be held in confidence by Aspen and returned to the inventor if an Agreement between both parties is not reached.

3. Expenses. Each party to the Agreement will pay all of its own expenses.

4. Cooperation and Exclusive Dealing. Inventor and Aspen will cooperate in good faith and expeditiously to determine the validity of the Product. Inventor agrees not to offer to license any rights to manufacture, distribute or sell the Product, and not to solicit, negotiate, accept or enter into any agreement with any third party with respect to the Product (including, without limitation, any agreement for the license, manufacture, sale, distribution or supply of the Product), until the expiration of 90 days from the execution date of this letter or such earlier date as the parties mutually agree that an Agreement cannot be reached.

5. Nondisclosure/Publicity. Each party agrees that it will not, without the prior written consent of the other party, disclose publicly or to any third party the terms and conditions of this letter or the subsequent negotiations between the parties, except to the extent required by law or as may be required by Aspen in connection with determining the cost of the Product..

6. Nonbinding Agreement. This letter of Interest is intended to provide a basis for the preparation of a definitive Exclusive License Agreement. Until such agreement has been prepared and duly authorized, executed and delivered by both parties, none of the provisions of this letter shall be binding on either party with the exception of the agreements and obligations contained in numbered paragraphs 2 through 5 above.

7. Acceptance. This letter of interest may be accepted in writing by Inventor until November 19, 2002, but will be terminated if not accepted by the close of business on that date.

-3-

If the foregoing is satisfactory, please evidence your acceptance of this proposal by signing and returning to us the enclosed copy of this letter. It is understood that upon your acceptance, this letter will constitute a letter of interest to negotiate in good faith to complete a definitive Exclusive License Agreement on the terms set forth above.

Very truly yours,

ASPEN PET PRODUCTS, INC.

By: 

Robert J. Kirch, Chief Executive Officer

ACCEPTED AND AGREED

Date: _____

PET GENERATION

By: _____

Julie Theel, President

Julie Theel

From: "Gary Hirschberg" <GaryH@Vo-Toys.com>
To: <Julie@petgeneration.com>
Sent: Thursday, October 17, 2002 10:19 AM
Subject: conversation at Backer Show

Julie,

I attempted to reach you by telephone after the Chicago Backer show. I left a voicemail. I thought it might be easier to reach you by email in the absence of anyone manning the telephone. If you recall, we had a brief discussion at your booth about the patent you have developed for partitioning toys with velcro. We are very keen on the concept and we would like to pursue a licensing agreement with the patent and develop our own designs. We would be interested in marketing some of yours as well but if you chose to go at that alone, we would be content to sell our own program. I am not sure what direction you are interested in pursuing but it would seem to me that the first and most realistic attempt should be to collect royalties from someone else's efforts to offset your upfront expenses. If you would like to pursue this further, I welcome hearing from you to discuss in more detail. I can be reached as follows: email or at 1 800 272-0088.

2/19/2003

Julie Theel

From: "Carmen Laurin" <calaurin@shaw.ca>
To: <julietheel@cox.net>
Sent: Monday, December 09, 2002 2:46 PM
Subject: Rip Roarin' Fun-nies toys

Hi Julie (I think that's the name I heard on your phone answering machine),

I am the owner of Pet Perspectives. I write and produce unique illustrated memorials and stories for clients about their pets and for friends/family as gifts to pet owners. Like you, my business venture is fairly new.

As a complementary add-on to my product, I am interested in a sole distributorship of unique high quality pet items for British Columbia. I came upon your Rip Roarin' Fun-nies toys in another site, and further search brought me to YOUR site.

Your toys are truly unique – haven't come across any like them in my ongoing extensive search. Would you be interested in marketing the toys in British Columbia, if you are not already in stores here (again, I hadn't seen your toys until today).

I look forward to hearing from you. In the meantime, congratulations on a unique product!

Carmen Laurin
Pet Perspectives
Bowser, BC
Phone: 250-757-8308

2/19/2003

Julie Theel

From: <info@petgeneration.com>
To: <julietheel@cox.net>
Sent: Wednesday, January 15, 2003 2:26 PM
Subject: Web Site Inquiries from Wholesale Form

Do not reply to this email. Create a new email to respond.

Name: joanna rudalevige
Company Name: petco
Address: 9125 rehco rd
City: san diego
State: ca
Zip: 92121
Country: USA
Phone: 858-453-7845 x3545
Fax:
Email: joannar@petco.com
Type of Business: Retail Pet Store
How would you like to be contacted?: Email
Comments: interested in your product line ... would like to see price list
thanks
joanna

2/19/2003

Market Survey



"Rip Roarin' Fun-nies"TM ...the Velcro® attached dog toys, that can be "ripped apart" and put back together!

1. Have you ever seen a "rip apart" dog toy, prior to the "Rip Roarin' Fun-nies"TM?

No

2. Do your customers often complain that their dogs destroy or rip apart toys or things they are not supposed to? yes

3. Do you feel that the "Rip Roarin' Fun-nies"TM rip-apart toys provide a good outlet for that rip apart "need"? yes

4. Do dogs rip apart the individual pieces, or do they seem appeased, at least temporarily, after removing the Velcro® attachments? tend to want to rip

5. Do you feel there was a long-felt need for a toy that dogs could be allowed to "rip apart" (and it could then be put back together!)? yes, my dogs love them

6. Name the features, if any, that make the "Rip Roarin' Fun-nies"TM especially well suited for dogs. I think dogs love the sound of the Velcro

7. What kind of feedback have you had from your customers regarding the "Rip Roarin' Fun-nies"TM? they love them

8. In comparison to the other dog toys your store sells, please rank the sales of the "Rip Roarin' Fun-nies"TM:

☐ not selling as well as the other toys
☒ selling the same as the other toys
☐ selling better than the other toys

9. Out of the different "Rip Roarin' Fun-nies"TM designs, which is your best seller? big ball

10. What design/character would you like to see introduced next into the family of "Rip Roarin' Fun-nies"TM? big ball better stitching

11. Any additional thoughts or comments? just keep up the good work

Store: Fairwood Pet Ctr

Address: 14242 SE 176th St

Renton, WA 98058

Store Telephone Number: 425 271 9344

Signed: [Signature]

Title: Manager

We REALLY appreciate your input! Thank you so very much!
 Pet Generation, LLC

PLEASE FAX BACK TO 949-425-8756

1280 Bison, Suite B9-263 • Newport Beach, CA 92860 • (966) 204-2539 • F (949) 425-8756

Market Survey

"Rip Roarin' Fun-nies™"

Pet Generation



...the Velcro® attached dog toys, that can be "ripped apart" and put back together!

1. Have you ever seen a "rip apart" dog toy, prior to the "Rip Roarin' Fun-nies™"? No
 2. Do your customers often complain that their dogs destroy or rip apart toys or things they are not supposed to? Yes
 3. Do you feel that the "Rip Roarin' Fun-nies™" rip-apart toys provide a good outlet for that rip apart "need"? Yes
 4. Do dogs rip apart the individual pieces, or do they seem appeased, at least temporarily, after removing the Velcro® attachments? Feed back seems to indicate the Velcro rip
 5. Do you feel there was a long-felt need for a toy that dogs could be allowed to "rip apart" (and it could then be put back together)? Never thought about it until we saw it
 6. Name the features, if any, that make the "Rip Roarin' Fun-nies™" especially well suited for dogs. _____
 7. What kind of feedback have you had from your customers regarding the "Rip Roarin' Fun-nies™"? Trainers love it, sell it for dogs who need to think they are
 8. In comparison to the other dog toys your store sells, please rank the sales of the "Rip Roarin' Fun-nies™":
 - _____ not selling as well as the other toys
 - ☒ selling the same as the other toys
 - _____ selling better than the other toys
 9. Out of the different "Rip Roarin' Fun-nies™" designs, which is your best seller? Big Fuzzy Ball
 10. What design/character would you like to see introduced next into the family of "Rip Roarin' Fun-nies™"? _____
 11. Any additional thoughts or comments? We recommend the fuzzy ball because there are fewer little pieces on it for dogs to chew off -
We would like more designs like that.
- Store: Well Bred
 Address: 18 Main St.
Clinton MS 39209
 Store Telephone Number: 908-730-7977
 Signed: Kath Starnis
 Title: Co-owner

We REALLY appreciate your input! Thank you so very much!
 Pet Generation, LLC

PLEASE FAX BACK TO 949-425-8756

1280 Bison, Suite B9-263 • Newport Beach, CA 92660 • (866) 204-2539 • F (949) 425-8756

Market Survey

"Rip Roarin' Fun-nies™"

...the Velcro® attached dog toys, that can be "ripped apart" and put back together!

1. Have you ever seen a "rip apart" dog toy, prior to the "Rip Roarin' Fun-nies™"?
☒ **NO**
 2. Do your customers often complain that their dogs destroy or rip apart toys or things they are not supposed to? ☒ **yes**
 3. Do you feel that the "Rip Roarin' Fun-nies™" rip-apart toys provide a good outlet for that rip apart "need"? ☒ **yes**
 4. Do dogs rip apart the individual pieces, or do they seem appeased, at least temporarily, after removing the Velcro® attachments? ☒ **?**
 5. Do you feel there was a long-felt need for a toy that dogs could be allowed to "rip apart" (and it could then be put back together)? ☒ **yes**
 6. Name the features, if any, that make the "Rip Roarin' Fun-nies™" especially well suited for dogs. cute
 7. What kind of feedback have you had from your customers regarding the "Rip Roarin' Fun-nies™"? none yet after purchase, before thought
 8. In comparison to the other dog toys your store sells, please rank the sales of the "Rip Roarin' Fun-nies™":
☒ **not selling as well as the other toys**
☐ **selling the same as the other toys**
☐ **selling better than the other toys**
 9. Out of the different "Rip Roarin' Fun-nies™" designs, which is your best seller? Bears
 10. What design/character would you like to see introduced next into the family of "Rip Roarin' Fun-nies™"? giggle TOYS
 11. Any additional thoughts or comments? I've had to show them to customers & how they work
- Store: PRETTY POODLES & PETS
 Address: 6905 W. BROWARD BLVD, STE. 117
PLANTATION, FL 33317
954-587-0090
 Store Telephone Number: _____
 Signed: Rosalyn Benson
 Title: President

special signage
would help.

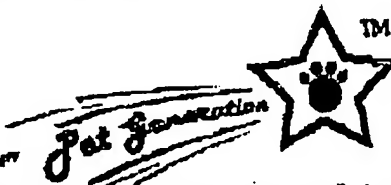
We REALLY appreciate your input! Thank you so very much!
 Pet Generation, LLC

PLEASE FAX BACK TO 949-425-8756

1280 Elson, Suite 30-263 • Newport Beach, CA 92660 • (566) 204-2589 • F (949) 425-8758

I know it's late but thought you might still want the survey! WE LOVE THE TOYS!

Market Survey



"Rip Roarin' Fun-nies™"

...the Velcro® attached dog toys, that can be "ripped apart" and put back together!

1. Have you ever seen a "rip apart" dog toy, prior to the "Rip Roarin' Fun-nies™"?

NO

2. Do your customers often complain that their dogs destroy or rip apart toys or things they are not supposed to? YES

3. Do you feel that the "Rip Roarin' Fun-nies™" rip-apart toys provide a good outlet for that rip apart "need"? YES

4. Do dogs rip apart the individual pieces, or do they seem appeased, at least temporarily, after removing the Velcro® attachments? SOME HAVE, SOME HAVE NOT

5. Do you feel there was a long-felt need for a toy that dogs could be allowed to "rip apart" (and it could then be put back together!)? YES

6. Name the features, if any, that make the "Rip Roarin' Fun-nies™" especially well suited for dogs. SOFT, VELCRO, FUN

7. What kind of feedback have you had from your customers regarding the "Rip Roarin' Fun-nies™"? VERY CUTE

8. In comparison to the other dog toys your store sells, please rank the sales of the "Rip Roarin' Fun-nies™":

not selling as well as the other toys

selling the same as the other toys

X selling better than the other toys

SEEM TO SELL BETTER

9. Out of the different "Rip Roarin' Fun-nies™" designs, which is your best seller? PIG & COW

10. What design/character would you like to see introduced next into the family of "Rip Roarin' Fun-nies™"? SQUIRREL

11. Any additional thoughts or comments? SLIGHTLY STRONGER FABRIC FOR LARGE DOGS

Store: KOOL DOG KAFE

Address: 11010 S. P.C.H.

Redondo BEACH CA 90277

Store Telephone Number: 310-944-3232

Signed: [Signature]

Title: OWNER

NEW PHONE #'s

FAX: 310-943-2246

Cust Serv: 866-KOOL DOG

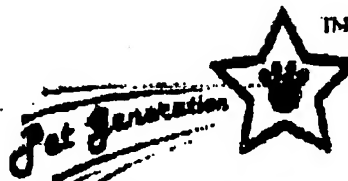
We REALLY appreciate your input! Thank you so very much!

Pet Generation, LLC

PLEASE FAX BACK TO 949-425-8756

1280 Bison, Suite B9-263 • Newport Beach, CA 92660 • (866) 204-2538 • F (949) 425-8756

Market Survey



Rip Roarin' Fun-nies™

the Velcro® attached dog toys, that can be "ripped apart" and put back together!

1. Have you ever seen a "rip apart" dog toy, prior to the "Rip Roarin' Fun-nies™"?

NO

2. Do your customers often complain that their dogs destroy or rip apart toys or things that are not supposed to? ALWAYS

3. Do you feel that the "Rip Roarin' Fun-nies™" rip-apart toys provide a good outlet for that rip apart need? YES

4. Do dogs rip apart the individual pieces, or do they seem appeased, at least temporarily, after regaining the Velcro® attachments? YES

5. Do you feel there was a long felt need for a toy that dogs could be allowed to "rip apart" (and it could then be put back together)? YES - BUT I HAD NEVER THOUGHT OF IT

6. Name the features, if any, that make the "Rip Roarin' Fun-nies™" especially well suited for dogs. NOISE MAKER, SIZE, VELCRO® ATTACHMENTS

7. What kind of feedback have you had from your customers regarding the "Rip Roarin' Fun-nies™"? SEVERAL HAVE HAD THE BACK SEAM OPEN EXPOSING STITCHES

8. In comparison to the other dog toys your store sells, please rank the sales of the "Rip Roarin' Fun-nies™":

- ☐ not selling as well as the other toys
☐ selling the same as the other toys
☒ selling better than the other toys

9. Out of the different "Rip Roarin' Fun-nies™" designs, which is your best seller? PIG

10. What design/character would you like to see introduced next into the family of "Rip Roarin' Fun-nies™"? MONKEY, DOG, CAT

11. Any additional thoughts or comments? ABOUT 5% OF THEM COME WITH DEFECTS - EITHER NOT SEWN ENTIRELY CLOSED OR NOISE MAKER DOES NOT WORK

Store: MODERN DOG

Address: 7932 IVANHOE AVE

LA JOLLA, CA 92037

Store Telephone Number: 858-551-9696

Store: O.P.S.

Title: OWNER

We REALLY appreciate your input! Thank you so very much!

Pet Generation, LLC

PLEASE FAX BACK TO 949-425-8756

1280 Bloor, Suite B1-263 • Newport Beach, CA 92660 • (888) 214-2630 • F (949) 425-8756

Market Survey

**"Rip Roarin' Fun-nies™"**

...the Velcro® attached dog toys, that can be "ripped apart" and put back together!

1. Have you ever seen a "rip apart" dog toy, prior to the "Rip Roarin' Fun-nies™"?
NO
2. Do your customers often complain that their dogs destroy or rip apart toys or things they are not supposed to? YES
3. Do you feel that the "Rip Roarin' Fun-nies™" rip-apart toys provide a good outlet for that rip apart "need"? YES, PER OUR CUSTOMERS
4. Do dogs rip apart the individual pieces, or do they seem appeased, at least temporarily, after removing the Velcro® attachments? NOT SURE - WE HAVE CATS ONLY AT STORE
5. Do you feel there was a long-felt need for a toy that dogs could be allowed to "rip apart" (and it could then be put back together!)? NOT IN BUSINESS LONG ENOUGH TO KNOW (YAY)
6. Name the features, if any, that make the "Rip Roarin' Fun-nies™" especially well suited for dogs. THE SMALL SIZE OF THE PARTS
7. What kind of feedback have you had from your customers regarding the "Rip Roarin' Fun-nies™"? THEY LAUGH AT THE SANDWICH, COW & PIG
8. In comparison to the other dog toys your store sells, please rank the sales of the "Rip Roarin' Fun-nies™":
☒ not selling as well as the other toys
☐ selling the same as the other toys
☐ selling better than the other toys
- THEY SEEM TO BE TOO EASY TO DESTROY, SO CUSTOMERS PICK OTHERS - ONLY SMALL DOGS GET RIP ROARINS.
9. Out of the different "Rip Roarin' Fun-nies™" designs, which is your best seller? ORANGE FUN BALL - - JUST ADDED PIG & COW
10. What design/character would you like to see introduced next into the family of "Rip Roarin' Fun-nies™"? CAT OR MAILMAN
11. Any additional thoughts or comments? CUSTOMERS WORRY ABOUT THE SOUND BOX AND SAFETY. SOME CUSTOMERS DON'T BUY BECAUSE THEY DON'T WANT TO ENCOURAGE DESTRUCTIVE BEHAVIOR.

Store: PJ'S PAWS AND CLAWSAddress: 3320 W. McGRAW #3SEATTLE, WA 98199Store Telephone Number: 206 283 7297Signed: Pat HowellTitle: PRESIDENT

We REALLY appreciate your input! Thank you so very much!
Pet Generation, LLC

PLEASE FAX BACK TO 949-425-8756

1280 Biscoe, Suite B9-283 • Newport Beach, CA 92660 • (866) 204-2539 • F (949) 425-8756

Market Survey

"Rip Roarin' Fun-nies™"

Pet Generation



...the Velcro® attached dog toys, that can be "ripped apart" and put back together!

1. Have you ever seen a "rip apart" dog toy, prior to the "Rip Roarin' Fun-nies™"? NO

2. Do your customers often complain that their dogs destroy or rip apart toys or things they are not supposed to? YES

3. Do you feel that the "Rip Roarin' Fun-nies™" rip-apart toys provide a good outlet for that rip apart "need"? YES

4. Do dogs rip apart the individual pieces, or do they seem appeased, at least temporarily, after removing the Velcro® attachments? DON'T KNOW

5. Do you feel there was a long-felt need for a toy that dogs could be allowed to "rip apart" (and it could then be put back together!)? YES

6. Name the features, if any, that make the "Rip Roarin' Fun-nies™" especially well suited for dogs. "hide-a-treat" option in balls - colors attract buyers

7. What kind of feedback have you had from your customers regarding the "Rip Roarin' Fun-nies™"? LIKE THEM - SALES REFUSED TO BUY MORE

8. In comparison to the other dog toys your store sells, please rank the sales of the "Rip Roarin' Fun-nies™":

☐ not selling as well as the other toys
☒ selling the same as the other toys
☐ selling better than the other toys

9. Out of the different "Rip Roarin' Fun-nies™" designs, which is your best seller? ANIMALS - SELL BEST

10. What design/character would you like to see introduced next into the family of "Rip Roarin' Fun-nies™"? MORE ANIMALS

11. Any additional thoughts or comments? _____

Store: THREE DOTS BAKERY

Address: 2136 W. Poplar Ave.
Ste. 116

Store Telephone Number: 901-853-5464

Signed: [Signature]

Title: owner

We REALLY appreciate your input! Thank you so very much!

Pet Generation, LLC

PLEASE FAX BACK TO 949-425-8756

1290 Bison, Suite B9-203 • Newport Beach, CA 92660 • (866) 204-2539 • F (949) 425-8756

Market Survey

"Rip Roarin' Fun-nies™"

Pet Generation



...the Velcro® attached dog toys, that can be "ripped apart" and put back together!

1. Have you ever seen a "rip apart" dog toy, prior to the "Rip Roarin' Fun-nies™"?

NO

2. Do your customers often complain that their dogs destroy or rip apart toys or things they are not supposed to? YES

3. Do you feel that the "Rip Roarin' Fun-nies™" rip-apart toys provide a good outlet for that rip apart "need"? YES

4. Do dogs rip apart the individual pieces, or do they seem appeased, at least temporarily, after removing the Velcro® attachments? YES

5. Do you feel there was a long-felt need for a toy that dogs could be allowed to "rip apart" (and it could then be put back together)? YES

6. Name the features, if any, that make the "Rip Roarin' Fun-nies™" especially well suited for dogs. the fact they can Rip it Apart

7. What kind of feedback have you had from your customers regarding the "Rip Roarin' Fun-nies™"? none yet - they seem to like the concept

8. In comparison to the other dog toys your store sells, please rank the sales of the "Rip Roarin' Fun-nies™":

- ☐ not selling as well as the other toys
☒ selling the same as the other toys
☐ selling better than the other toys

Just started selling these

9. Out of the different "Rip Roarin' Fun-nies™" designs, which is your best seller? Blue moo cow

10. What design/character would you like to see introduced next into the family of "Rip Roarin' Fun-nies™"? DINOSAURS

11. Any additional thoughts or comments? _____

Store: Academy of Canine Behavior

Address: 4705 240th St SE

Bethel WA 98021

Store Telephone Number: 425-486-9567

Signed: Craig Youngberg

Title: G.M.

We REALLY appreciate your input! Thank you so very much!

Pet Generation, LLC

PLEASE FAX BACK TO 949-425-8756

1280 Biscail Suite BB-263 • Newport Beach, CA 92660 • (866) 204-2539 • F (949) 425-8756

Market Survey

"Rip Roarin' Fun-nies™"

Pet Generation



...the Velcro® attached dog toys, that can be "ripped apart" and put back together!

1. Have you ever seen a "rip apart" dog toy, prior to the "Rip Roarin' Fun-nies™"?
No
2. Do your customers often complain that their dogs destroy or rip apart toys or things they are not supposed to? Yes
3. Do you feel that the "Rip Roarin' Fun-nies™" rip-apart toys provide a good outlet for that rip apart "need"? Yes
4. Do dogs rip apart the individual pieces, or do they seem appeased, at least temporarily, after removing the Velcro® attachments? Both
5. Do you feel there was a long-felt need for a toy that dogs could be allowed to "rip apart" (and it could then be put back together!)? Yes
6. Name the features, if any, that make the "Rip Roarin' Fun-nies™" especially well suited for dogs. Washable
7. What kind of feedback have you had from your customers regarding the "Rip Roarin' Fun-nies™"? They love 'em
8. In comparison to the other dog toys your store sells, please rank the sales of the "Rip Roarin' Fun-nies™":
☐ not selling as well as the other toys
☒ selling the same as the other toys
☐ selling better than the other toys
9. Out of the different "Rip Roarin' Fun-nies™" designs, which is your best seller? Worm
10. What design/character would you like to see introduced next into the family of "Rip Roarin' Fun-nies™"? Coorilla
11. Any additional thoughts or comments? _____

Store: Doggies In The WindowAddress: 1106 E AnaheimLB CA 90804Store Telephone Number: 562-254-7065Signed: [Signature]Title: Gen. Manager

We REALLY appreciate your input! Thank you so very much!

Pet Generation, LLC

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Market Survey



"Rip Roarin' Fun-nies™"
...the Velcro® attached dog toys, that can be "ripped apart" and put back together!

1. Have you ever seen a "rip apart" dog toy, prior to the "Rip Roarin' Fun-nies™"?
No
2. Do your customers often complain that their dogs destroy or rip apart toys or things they are not supposed to? Yes
3. Do you feel that the "Rip Roarin' Fun-nies™" rip-apart toys provide a good outlet for that rip apart "need"? Yes
4. Do dogs rip apart the individual pieces, or do they seem appeased, at least temporarily, after removing the Velcro® attachments? Yes
5. Do you feel there was a long-felt need for a toy that dogs could be allowed to "rip apart" (and it could then be put back together!)? Yes
6. Name the features, if any, that make the "Rip Roarin' Fun-nies™" especially well suited for dogs. None
7. What kind of feedback have you had from your customers regarding the "Rip Roarin' Fun-nies™"? Dogs + Owners Like Them
8. In comparison to the other dog toys your store sells, please rank the sales of the "Rip Roarin' Fun-nies™":
☐ not selling as well as the other toys
☒ selling the same as the other toys
☐ selling better than the other toys
9. Out of the different "Rip Roarin' Fun-nies™" designs, which is your best seller? Pig
10. What design/character would you like to see introduced next into the family of "Rip Roarin' Fun-nies™"? Smaller ones
11. Any additional thoughts or comments? _____

Store: CRAZY ABOUT PETS
 Address: 2054 E. ORLAND PARK BLVD.
Ft. LAUDERDALE

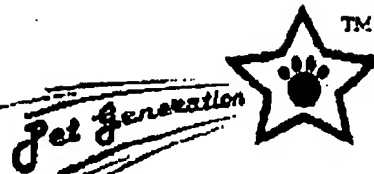
Store Telephone Number: 954 563 1644 FAX 564 4488
 Signed: [Signature]
 Title: owner

We REALLY appreciate your input! Thank you so very much!
 Pet Generation, LLC

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Market Survey

"Rip Roarin' Fun-nies™"

...the Velcro® attached dog toys, that can be "ripped apart" and put back together!

1. Have you ever seen a "rip apart" dog toy, prior to the "Rip Roarin' Fun-nies™"?
NO
2. Do your customers often complain that their dogs destroy or rip apart toys or things they are not supposed to? YES
3. Do you feel that the "Rip Roarin' Fun-nies™" rip-apart toys provide a good outlet for that rip apart "need"? YES
4. Do dogs rip apart the individual pieces, or do they seem appeased, at least temporarily, after removing the Velcro® attachments? Temporarily Appeased
5. Do you feel there was a long-felt need for a toy that dogs could be allowed to "rip apart" (and it could then be put back together)? YES - it's Fun!!
6. Name the features, if any, that make the "Rip Roarin' Fun-nies™" especially well suited for dogs. They do not come apart by shaking them - only by pulling them apart.
7. What kind of feedback have you had from your customers regarding the "Rip Roarin' Fun-nies™"? Dogs like them -
8. In comparison to the other dog toys your store sells, please rank the sales of the "Rip Roarin' Fun-nies™":
☒ not selling as well as the other toys (NOT YET)
☐ selling the same as the other toys
☐ selling better than the other toys
9. Out of the different "Rip Roarin' Fun-nies™" designs, which is your best seller? About The Same - SO far
10. What design/character would you like to see introduced next into the family of "Rip Roarin' Fun-nies™"? I can't think of one - Sorry
11. Any additional thoughts or comments? Keep up the fun stuff - ☺

Store: Everything Possible Inc.Address: 1415 Liberty ST. NE
Salem OR 97303Store Telephone Number: 503-399-0500Signed: Wally H. H. H.Title: President

We REALLY appreciate your input! Thank you so very much!

Pet Generation, LLC

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Market Survey

"Rip Roarin' Fun-nies™"

Pet Generation



...the Velcro® attached dog toys, that can be "ripped apart" and put back together!

1. Have you ever seen a "rip apart" dog toy, prior to the "Rip Roarin' Fun-nie™"?
no
2. Do your customers often complain that their dogs destroy or rip apart toys or things they are not supposed to?
yes
3. Do you feel that the "Rip Roarin' Fun-nies™" rip-apart toys provide a good outlet for that rip apart "need"?
yes, my dog loves them.
4. Do dogs rip apart the individual pieces, or do they seem appeased, at least temporarily, after removing the Velcro® attachments?
they seem appeased
5. Do you feel there was a long-felt need for a toy that dogs could be allowed to "rip apart" (and it could then be put back together)?
yes, they react
6. Name the features, if any, that make the "Rip Roarin' Fun-nies™" special / well suited for dogs.
the velcro sound as well as the rip apart
7. What kind of feedback have you had from your customers regarding the "Rip Roarin' Fun-nies™"?
they love them
8. In comparison to the other dog toys you store sells, please rank the sales of the "Rip Roarin' Fun-nies™":
☐ not selling as well as the other toys
☒ selling the same as the other toys
☐ selling better than the other toys
9. Out of the different "Rip Roarin' Fun-nies™" designs, which is your best seller?
they were all good sellers but Pig/ear
10. What design/character would you like to see introduced next into the family of "Rip Roarin' Fun-nies™"?
political characters?
11. Any additional thoughts or comments?
Please send me a catalog

Store: Bark Natural Pet CareAddress: 5332 Ballard Ave NWSeattle WA 98107Store Telephone Number: 206-783-4972Signed: Karen MartinTitle: Karen Martin president/owner

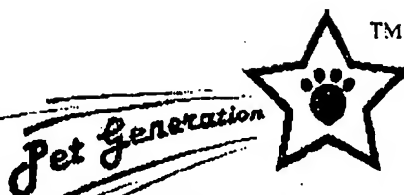
We REALLY appreciate your input! Thank you so very much!

Pet Generation, LLC

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1250 Bison, Suite B9-283 • Newport Beach, CA 92660 • (866) 404-2539 • F (949) 425-8756

Market Survey

"Rip Roarin' Fun-nies™"

...the Velcro® attached dog toys, that can be "ripped apart" and put back together!

1. Have you ever seen a "rip apart" dog toy, prior to the "Rip Roarin' Fun-nies™"?
No
 2. Do your customers often complain that their dogs destroy or rip apart toys or things they are not supposed to? Yes
 3. Do you feel that the "Rip Roarin' Fun-nies™" rip-apart toys provide a good outlet for that rip apart "need"? Yes
 4. Do dogs rip apart the individual pieces, or do they seem appeased, at least temporarily, after removing the Velcro® attachments? Varies but some help
 5. Do you feel there was a long-felt need for a toy that dogs could be allowed to "rip apart" (and it could then be put back together)? Yes
 6. Name the features, if any, that make the "Rip Roarin' Fun-nies™" especially well suited for dogs. Cute snuggles, strong velcro, durable fleece
 7. What kind of feedback have you had from your customers regarding the "Rip Roarin' Fun-nies™"? "fun" "innovative"
 8. In comparison to the other dog toys your store sells, please rank the sales of the "Rip Roarin' Fun-nies™":
☒ not selling as well as the other toys requires a little salesmanship
☐ selling the same as the other toys so don't "sell themselves"
☐ selling better than the other toys
 9. Out of the different "Rip Roarin' Fun-nies™" designs, which is your best seller? orange ball & sandwich
 10. What design/character would you like to see introduced next into the family of "Rip Roarin' Fun-nies™"? different size balls in various colors like caterpillars
 11. Any additional thoughts or comments? if possible make tougher outside by using slightly stronger fleece on larger toys for tougher dogs
- Store: Pro Pet Center
 Address: 14010 Manchester
Fullerton CA 92631
 Store Telephone Number: 636/391-1299
 Signed: TL Thompson
 Title: Manager

We REALLY appreciate your input! Thank you so very much!
 Pet Generation, LLC

PLEASE FAX BACK TO 949-425-8756

Give your customers something **NEW!**

FINALLY! A toy your dog can really **rrrip** apart! A WHOLE NEW CONCEPT IN TOYS!



Rip Roarin' Fun-nies™

by *Pet Generation*

Did you ever think you'd see the day when you would laugh and cheer as your dog excitedly rips the head, arms, and legs off of his brand new toy? Well that day is here! Introducing the "Rip Roarin' Fun-nies," a truly unique, patent pending, fun new type of toy for dogs that have Velcro® attachments to allow a dog to really feel like he is **ripping** the toy apart, and a human companion can simply stick it back together for more fun!

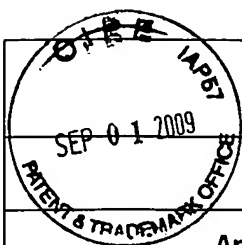
The benefits of this new concept in toys are many!!...

- ★ Fewer needle and thread "surgeries" performed on poor, dismembered toys!
- ★ Less money wasted on expensive toys that ruined when they are ripped to pieces!
- ★ A healthy, wonderful alternative to that new pair of shoes when teaching your dog what not to tear apart!
- ★ Terrific ripping noise that drives dogs crazy with excitement!
- ★ Treats may be hidden in either of 1 ball designs – more fun!
- ★ Multiple toys in one!
- ★ Squeaks, rattles, and unusual noises!
- ★ Happiness in knowing you are providing a fun **NEW** source of entertainment for your beloved dog!

**Finally a toy that pleases and amuses everyone...
So don't forget to share with your dog!**

Eight great designs now, with more in the works!

Contact us: Pet Generation, LLC 1280 Bison Suite B9-263 Newport Beach, CA 92660
Toll Free (866) 204-2349 Fax (949) 425-3756 info@petgeneration.com www.petgeneration.com



Electronic Acknowledgement Receipt

| | |
|---|-----------------------------|
| EFS ID: | 5976618 |
| Application Number: | 10668049 |
| International Application Number: | |
| Confirmation Number: | 7272 |
| Title of Invention: | Pet toy |
| First Named Inventor/Applicant Name: | Julie Theel |
| Customer Number: | 30076 |
| Filer: | Clement Cheng/Allison Hata |
| Filer Authorized By: | Clement Cheng |
| Attorney Docket Number: | 83359.0002 |
| Receipt Date: | 28-AUG-2009 |
| Filing Date: | 22-SEP-2003 |
| Time Stamp: | 16:44:34 |
| Application Type: | Utility under 35 USC 111(a) |

Payment information:

| | |
|--|-------------|
| Submitted with Payment | yes |
| Payment Type | Credit Card |
| Payment was successfully received in RAM | \$ 270 |
| RAM confirmation Number | 3053 |
| Deposit Account | |
| Authorized User | |

File Listing:

| Document Number | Document Description | File Name | File Size(Bytes)/ Message Digest | Multi Part /.zip | Pages (if appl.) |
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| 1 | Appeal Brief Filed | Appeal_brief_part1.pdf | 21644314 2988299b66f0a7fc6b0a046c6ae93a3066a18a84 | no | 75 |
| Warnings: | | | | | |
| Information: | | | | | |
| 2 | Appeal Brief Filed | Appeal_brief_part2.pdf | 16572159 4d4e2de617a43a71584566b16db2dcb55c41b58f | no | 51 |
| Warnings: | | | | | |
| Information: | | | | | |
| 3 | Fee Worksheet (PTO-875) | fee-info.pdf | 29638 5ee4cfe4ecae084c00aaa4d69c87818175eaf26 | no | 2 |
| Warnings: | | | | | |
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| Total Files Size (in bytes): | | | 38246111 | | |
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